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CHURCH OF SCIENTOLOGY

*B. Dalton***BESTSELLERS****Trade Paperback Bestseller List**

AUGUST 22, 1986

NO.	TITLE	DISPLAY CODE	AUTHOR	PUBLISHER	LAST WEEK	SKU
1	IT CAME FROM THE FAR SIDE	028A	LARSON	ANDREWS MC	2	180-2453
2	DIANETICS	122A	HUBBARD	BRIDGE	3	144-4166
3	SAT 13/E	040A		BARRONS	19	135-9207
4	SAT/PRINCETON REVIEW	040A	KATZMAN	RANDOM		135-9320
5	COMBAT FAITH	070A	LINDSEY	BANTAM		150-2689
6	ROAD LESS TRAVELED	122A	PECK	SIMON	7	135-1567
7	WAR OF THE TWINS 02	177A	WEIS	RANDOM	6	188-1191
8	RAND MCNALLY ROAD ATLAS	018A		RAND MC	5	125-1074
9	HUMAN ANIMAL	122A	DONAHUE	SIMON		189-7721
10	PASSION FOR EXCELLENCE	034A	PETERS	WARNER		141-0687
11	LOVING EACH OTHER	122A	BUSCAGLIA	RANDOM	18	187-5167
12	PROFILE AMER COLLEGE V 1	040A		BARRONS		135-9193
13	ONE MINUTE MANAGER	034A	BLANCHARD	BERKLEY	20	116-4600
14	AAA ROAD ATLAS 86	018A		RANDOM	11	170-3056
15	WEIGHT WATCHERS QUICK START	105F	NIDETCH	NAL	4	183-1259
16	WHAT COLOR PARACHUTE 86	034G	BOLLES	TEN SPEED	9	156-9082
17	WHAT THEY DONT TEACH HARV	034A	MCCORMACK	BANTAM	10	157-7441
18	OFF 87 PGT BASEBALL CARD	161A	HOC	RANDOM	8	157-7034
19	ADULT CHILDREN OF ALCOHOL	132A	WOITITZ	COMPCARE	13	123-6679
20	MAD LIBS ASSORTMENT	100A		PRICE STERN	16	133-5235

Mass Market Bestseller List

1	ELVIS & ME	146P	PRESLEY	BERKLEY	4	843-8587
2	TRAIL TO CRAZY MAN	186A	LAMOUR	BANTAM	5	854-1183
3	RIDER OF THE RUBY HILLS	186A	LAMOUR	BANTAM	7	854-1175
4	LAKE WOBEGON DAYS	173A	KEILLOR	VIKING	1	848-3094
5	LONESOME DOVE	173A	MCMURTRY	POCKET	2	848-5003
6	WOMEN WHO LOVE TOO MUCH	122A	NORWOOD	POCKET	3	865-2325
7	SAN ANDREAS	173A	MACLEAN	FAWCETT	6	848-5097
8	SILVERTHORN	177A	FEIST	BANTAM	20	854-1019
9	ACCIDENTAL TOURIST	173A	TYLER	BERKLEY		848-5704
10	PALM BEACH	173A	BOOTH	BALLANTINE	8	848-4082
11	HELLFIRE	173A	SAUL	BANTAM	9	848-4007
12	LUCKY	173A	COLLINS	POCKET	10	848-3248
13	HUNT FOR RED OCTOBER	173A	CLANCY	BERKLEY	14	811-7543
14	AFTER THE REUNION	173A	JAFFE	DELL		848-5364
15	TEMPTRESS	183A	DEVERAUX	POCKET	11	848-4996
16	FOURTH DEADLY SIN	180A	SANDERS	BERKLEY	12	853-5302
17	IACOCCA	146A	IACOCCA	BANTAM	18	843-8080
18	ANGEL IN SCARLET	183A	WILDE	AVON	13	848-4252
19	WHITE INDIAN 13 WAR DRUMS	173A	PORTER	BANTAM		848-7294
20	NEW AMER ROGETS COLL THES	110A	ROGET	NAL		836-2467

B. DALTON BOOKSELLER BESTSELLER REPORTS ARE COMPILED FROM THE WEEKLY SALES REPORTS
GENERATED FROM 769 STORES THROUGH COMPUTER REPORT.

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*B. Dalton***BESTSELLERS****Hardcover Bestseller List**

AUGUST 22, 1986

NO.	TITLE	DISPLAY CODE	AUTHOR	PUBLISHER	LAST WEEK	SKU
1	RED STORM RISING	174A	CLANCY	PUTNAM	1	254-4105
2	ROTATION DIET	132A	KATAHN	NORTON	2	276-4245
3	WANDERLUST	174A	STEEL	DOUBLEDAY	3	254-3346
4	FATHERHOOD	028A	COSBY	DOUBLEDAY	4	269-1345
5	FIT FOR LIFE	132A	DIAMOND	RANDOM	5	222-1144
6	CALLANETICS	134A	PINCKNEY	MORROW	6	206-9253
7	RANDOM COLLEGE DICTIONARY	110A		RANDOM		200-4003
8	YOU'RE ONLY OLD ONCE	028A	SUESS	RANDOM	7	269-1256
9	MATTER OF HONOR	174A	ARCHER	SIMON	8	254-3095
10	LAST OF THE BREED	174A	LAMOUR	BANTAM	9	254-3435
11	RANDOM COLLEGE THESAURUS	110A		RANDOM		298-7880
12	AN ALIEN AFFAIR 04	177A	HUBBARD	BRIDGE	12	272-7609
13	REGRETS ONLY	174A	QUINN	SIMON	18	254-4385
14	UNLIMITED POWER NEW SCIENCE	122A	ROBBINS	SIMON	13	281-8981
15	MEDICAL MAKEOVER	132A	GILLER	MORROW	10	276-4563
16	ROCK HUDSON	146H	HUDSON	MORROW	11	260-1516
17	SUSPECTS	174A	CAUNITZ	CROWN		254-4466
18	AND SO IT GOES	146A	ELLERBEE	PUTNAM	15	259-5958
19	PHYSICIANS DESK REF 86	060A		PDR/MED		237-9007
20	DUNGEONEERS SURVIVAL GDE	100A	GYGAX	RANDOM	14	272-7560

Fiction Bestseller List

NO.	TITLE	DISPLAY CODE	AUTHOR	PUBLISHER	LAST WEEK	SKU
1	RED STORM RISING	174A	CLANCY	PUTNAM		254-4105
2	WANDERLUST	174A	STEEL	DOUBLEDAY		254-3346
3	MATTER OF HONOR	174A	ARCHER	SIMON		254-3095
4	LAST OF THE BREED	174A	LAMOUR	BANTAM		254-3435
5	AN ALIEN AFFAIR 04	177A	HUBBARD	BRIDGE		272-7609
6	REGRETS ONLY	174A	QUINN	SIMON		254-4385
7	SUSPECTS	174A	CAUNITZ	CROWN		254-4466
8	MAMMOTH HUNTERS	174A	AUEL	CROWN		218-4710
9	BOURNE SUPREMACY	174A	LUDLUM	RANDOM		254-0649
10	ILL TAKE MANHATTAN	174A	KRANTZ	CROWN		254-1947
11	ENEMY WITHIN BOOK 03	177A	HUBBARD	BRIDGE		272-7439
12	INVADERS PLAN BOOK 01	177A	HUBBARD	BRIDGE		221-6345
13	BLACK GENESIS BOOK 02	177A	HUBBARD	BRIDGE		272-7331
14	ACT OF WILL	174A	BRADFORD	DOUBLEDAY		254-3362
15	THRU A GLASS DARKLY	174A	KOEN	RANDOM		254-5446

B. DALTON BOOKSELLER BESTSELLER REPORTS ARE COMPILED FROM THE WEEKLY SALES REPORTS GENERATED FROM 769 STORES THROUGH COMPUTER REPORT.

Hardcover Fiction Bestsellers



This Week	Last Week	Title	Author	Publisher
1	1	RED STORM RISING	TOM CLANCY	PUTNAM
2	2	WANDERLUST	DANIELLE STEEL	DOUBLEDAY
3	3	A MATTER OF HONOR	JEFFREY ARCHER	SIMON & SCHUSTER
4	4	LAST OF THE BREED	LOUIS L'AMOUR	BANTAM
5	5	AN ALIEN AFFAIR	L. RON HUBBARD	BRIDGE PUBLICATIONS
6	7	REGRETS ONLY	SALLY QUINN	SIMON & SCHUSTER
7	12	THROUGH A GLASS DARKLY	KARLEEN KOEN	RANDOM HOUSE
8	9	I'LL TAKE MANHATTAN	JUDITH KRANTZ	CROWN
9	8	MAMMOTH HUNTERS	JEAN AUEL	CROWN
10	6	SUSPECTS	WILLIAM J. CAUNITZ	CROWN
11	10	BOURNE SUPREMACY	ROBERT LUDLUM	RANDOM HOUSE
12	11	ACT OF WILL	BARBARA T. BRADFORD	DOUBLEDAY
13	14	INVADERS PLAN VI: MISSION EARTH	L. RON HUBBARD	BRIDGE PUBLICATIONS
14	-	ENEMY WITHIN	L. RON HUBBARD	BRIDGE PUBLICATIONS
15	15	BLACK GENESIS VOL. II: MISSION EARTH	L. RON HUBBARD	BRIDGE PUBLICATIONS

Rankings based on computerized reports from over 950

Waldenbooks stores for week ending: 8/23/86

Waldenbooks

Trade Paperback Bestsellers



This Week	Last Week	Title	Author	Publisher
1	-	BLOOM COUNTY BABYLON	BERKE BREATHED	LITTLE BROWN
2	1	IT CAME FROM THE FAR SIDE	GARY LARSON	ANDREWS MCMEEL & PARKER
3	3	ROAD ATLAS 1986 WALDENBOOKS EDITION	EDITORS	RAND MCNALLY
4	7	TIME OF THE TWINS	MARGARET WEIS & TRACY HICKMAN	TSR
5	4	DIANETICS REVISED EDITION	L. RON HUBBARD	BRIDGE PUBLICATIONS
6	5	OFFICIAL PRICE GUIDE TO BASEBALL CARDS	HOUSE OF COLLECTIBLES	RANDOM HOUSE
7	6	ROAD LESS TRAVELED	M. SCOTT PECK	SIMON & SCHUSTER
8	8	FAR SIDE GALLERY	GARY LARSON	ANDREWS, MCMEEL & PARKER
9	19	HUMAN ANIMAL	PHIL DONAHUE	SIMON & SCHUSTER
10	9	LOVING EACH OTHER	LEO BUSCAGLIA	RANDOM HOUSE
11	-	COMBAT FAITH	HAL LINDSEY	BANTAM
12	2	WAR OF THE TWINS	MARGARET WEIS & TRACY HICKMAN	TSR
13	10	AAA ROAD ATLAS 1986	EDITORS	RANDOM HOUSE
14	12	ONE MINUTE MANAGER	KENNETH BLANCHARD & SPENCER JOHNSON	BERKLEY
15	15	DRAGONS OF WINTER NIGHT	MARGARET WEIS & TRACY HICKMAN	TSR
16	11	DRAGONS OF AUTUMN TWILIGHT	MARGARET WEIS & TRACY HICKMAN	TSR
17	14	DRAGONS OF SPRING DAWNING	MARGARET WEIS & TRACY HICKMAN	TSR
18	17	VALLEY OF THE FAR SIDE	GARY LARSON	ANDREWS, MCMEEL & PARKER
19	20	WHAT COLOR IS YOUR PARACHUTE?	RICHARD N. BOLLES	TEN SPEED PRESS
20	16	10,000 BABY NAMES	BRUCE LANSKY	SIMON & SCHUSTER
21	18	BEST BABY NAME BOOK REVISED	BRUCE LANSKY	SIMON & SCHUSTER
22	13	WHAT THEY DON'T TEACH YOU AT HARVARD BUSINESS SCHOOL	MARK H. MCCORMACK	BANTAM
23	23	JOY OF SEX	ALEX COMFORT	SIMON & SCHUSTER
24	26	THE FAR SIDE	GARY LARSON	ANDREWS, MCMEEL & PARKER
25	25	PENGUIN DREAMS AND STRANGER THINGS	BERKE BREATHED	LITTLE BROWN
26	24	GARFIELD OUT TO LUNCH	JIM DAVIS	BALLANTINE
27	22	OUT OF AFRICA & SHADOWS ON THE GRASS	ISAK DINESEN	RANDOM HOUSE
28	21	LOVE FOR ALL TIME	BERTRICE SMALL	NAL
29	30	BRIDE OF THE FAR SIDE	GARY LARSON	ANDREWS, MCMEEL & PARKER
30	29	PASSION FOR EXCELLENCE	THOMAS J. PETERS & NANCY AUSTIN	WARNER

Rankings based on computerized reports from over 950

Waldenbooks stores for week ending: 8/23/86

Waldenbooks

The New York Times

"All the News
That's Fit to Print"

NEW YORK, SUNDAY, SEPTEMBER 21, 1986

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PAPERBACKS

September 21, 1986

THE NEW YORK TIMES BOOK REVIEW

Paperback Best Sellers

Fiction

- | | |
|----|--|
| 1 | THE ACCIDENTAL TOURIST, by Anne Tyler. (Berkley, \$4.50.) Family and friends impose order of a kind on the errant life of a travel writer. |
| 2 | LAKE WOBEGON DAYS, by Garrison Keillor. (Penguin, \$3.95.) Yarns about life in a small Minnesota town. |
| 3 | THE RED FOX, by Anthony Hyde. (Ballantine, \$4.50.) A thriller in which a journalist journeys to Russia, seeking the father of a woman he loves. |
| 4 | LONESOME DOVE, by Larry McMurtry. (Pocket, \$4.95.) The Old West seen larger than life. |
| 5 | ENTERPRISE: The First Adventure, by Vonda N. McIntyre. (Pocket, \$3.95.) Under a young captain, the Star Trek craft faces unexpected challenges. |
| 6 | AFTER THE REUNION, by Rona Jaffe. (Dell, \$4.50.) The surprises that befell four Radcliffe women in the five years after their 20th reunion. |
| 7 | THE HUNT FOR RED OCTOBER, by Tom Clancy. (Berkley, \$4.50.) A submarine driver brings Soviet nuclear secrets to the United States. |
| 8 | THE TRAIL TO CRAZY MAN, by Louis L'Amour. (Bantam, \$2.95.) Three long Western stories that the author later turned into novels. |
| 9 | THE RIDER OF THE RUBY HILLS, by Louis L'Amour. (Bantam, \$2.95.) Four frontier stories that were later expanded into novels. |
| 10 | SAN ANDREAS, by Alistair MacLean. (Fawcett, \$4.50.) A British hospital ship with a deadly secret, adrift in the North Sea after a Luftwaffe attack. |
| 11 | SWAN'S CHANCE, by Celeste De Blasis. (Bantam, \$4.50.) The Civil War ordeals of the Falconers, a Maryland horse-raising and shipbuilding family. |
| 12 | PALM BEACH, by Pat Booth. (Ballantine, \$4.50.) A poor but beautiful woman finds her way in the town of the superrich. |
| 13 | LUCKY, by Jackie Collins. (Pocket, \$4.95.) The heiress of a crime lord versus the heiress of a shipping tycoon. |
| 14 | HELLFIRE, by John Saul. (Bantam, \$4.50.) Fury and vengeance pour out when a long-abandoned mill is reopened. |
| 15 | THE CIDER HOUSE RULES, by John Irving. (Bantam, \$4.95.) Life in a Maine orphanage earlier in this century. |

The listings above are based on computer-processed sales figures from 2,000 bookstores and from representative wholesalers with more than 40,000 retail outlets, including newsstands, variety stores, supermarkets and bookstores. These figures are statistically adjusted to represent sales in all such outlets across the United States. The number of

Nonfiction

General

- | | |
|---|--|
| 1 | YEAGER, by Chuck Yeager and Leo Janos. (Bantam, \$4.95.) The test pilot's autobiography. |
| 2 | THE ROAD LESS TRAVELED, by M. Scott Peck. (Touchstone/S&S, \$9.95.) Psychological and spiritual inspiration by a psychiatrist. |
| 3 | ELVIS AND ME, by Priscilla Beaulieu Presley with Sandra Harmon. (Berkley, \$4.50.) The rock legend as friend, mentor, lover, husband and father. |
| 4 | IACOCCA: An Autobiography, by Lee Iacocca with William Novak. (Bantam, \$4.95.) How the son of immigrants rose to top jobs at Ford and Chrysler. |
| 5 | SMART WOMEN, FOOLISH CHOICES, by Connell Cowan and Melvin Kinder. (Signet/NAL, \$4.50.) Modern women's efforts to find good men. |
| 6 | THE BRIDGE ACROSS FOREVER, by Richard Bach. (Dell, \$3.95.) A search for a true love. |

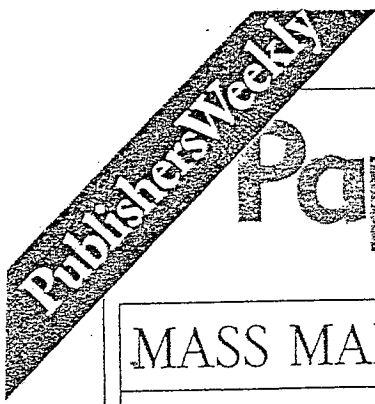
Advice, How-to and Miscellaneous

- | | |
|---|--|
| 1 | WOMEN WHO LOVE TOO MUCH, by Robin Norwood. (Pocket, \$4.50.) How to avoid or end addictive, unhealthy relationships with men. |
| 2 | BLOOM COUNTY BABYLON, by Berke Breathed. (Little, Brown, \$12.95.) Five years of comic strips. |
| 3 | IT CAME FROM THE FAR SIDE, by Gary Larson. (Andrews, McMeel & Parker, \$5.95.) A collection of syndicated "Far Side" cartoons. |
| 4 | RAND McNALLY ROAD ATLAS: United States, Canada, Mexico. (Rand McNally, \$5.95.) For 1986. |
| 5 | ADULT CHILDREN OF ALCOHOLICS, by Janet Geringer Woititz. (Health Communications, \$6.95.) Help for victims of others' compulsive behavior. |
| 6 | THE ONE MINUTE SALES PERSON, by Spencer Johnson with Larry Wilson. (Avon, \$5.) How to increase selling skills. |
| 7 | DIANETICS, by L. Ron Hubbard. (Bridge Publications, \$4.95.) Revised edition of a handbook by the founder of Scientology. |
| 8 | WHAT COLOR IS YOUR PARACHUTE? by Richard Nelson Bolles. (Ten Speed Press, \$8.95.) Job and career advice; 1986 edition. |
| 9 | THE FAR SIDE GALLERY, by Gary Larson. (Andrews, McMeel & Parker, \$8.95.) Cartoons. |

titles within the two subdivisions of nonfiction can change from week to week, reflecting changes in book buying.

*An asterisk before a book's title indicates that its sales, weighted to reflect the book-selling industry nationally, are barely distinguishable from those of the book above.

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Paperback Bestsellers

August 22, 1986

MASS MARKET

LAST WEEK
WEEKS ON
LIST

- | | | | |
|----|--|----|----|
| 1 | Lake Wobegon Days. Garrison Keillor. Penguin Select, \$3.95 ISBN 0-14-009323-3. | 1 | 4 |
| 2 | Lonesome Dove. Larry McMurtry. Pocket Books, \$4.95 ISBN 0-671-62324-9. | 12 | 2 |
| 3 | Women Who Love Too Much. Robin Norwood. Pocket Books, \$4.50 ISBN 0-671-62044-5. | 2 | 10 |
| 4 | Lucky. Jackie Collins. Pocket Books, \$4.95 ISBN 0-671-52496-8. | 3 | 7 |
| 5 | The Fourth Deadly Sin. Lawrence Sanders. Berkley, \$4.50 ISBN 0-425-09078-7. | 5 | 8 |
| 6 | Elvis and Me. Priscilla Beaulieu Presley with Sandra Harmon. Berkley, \$4.50 ISBN 0-425-09103-1. | 6 | 2 |
| 7 | The Cider House Rules. John Irving. Bantam, \$4.95 ISBN 0-553-25800-1. | 4 | 7 |
| 8 | Inside, Outside. Herman Wouk. Avon, \$4.95 ISBN 0-380-70100-6. | 8 | 8 |
| 9 | Jian. Eric Van Lustbader. Fawcett Crest, \$4.50 ISBN 0-449-20597-5. | 9 | 4 |
| 10 | Iacocca: An Autobiography. Lee Iacocca with William Novak. Bantam, \$4.95 ISBN 0-553-25147-3. | 7 | 7 |
| 11 | Angel in Scarlet. Jennifer Wilde. Avon, \$3.95 ISBN 0-380-89782-2. | 11 | 3 |
| 12 | Palm Beach. Pat Booth. Ballantine, \$4.50 ISBN 0-345-33357-8. | 13 | 2 |
| 13 | Hellfire. John Saul. Bantam, \$4.50 ISBN 0-553-25864-8. | 14 | 2 |
| 14 | The Two Mrs. Grenvilles. Dominick Dunne. Bantam, \$4.50 ISBN 0-553-25891-5. | 15 | 12 |
| 15 | Beaches. Iris Rainer Dart. Bantam, \$3.95 ISBN 0-553-25675-0. A sixth printing of 25,000 makes 1,102,000 books in print. | 10 | 6 |

TRADE

LAST WEEK
WEEKS ON
LIST

- | | | | |
|----|--|---|----|
| 1 | It Came from the Far Side. Gary Larson. Andrews, McMeel & Parker, \$5.95 ISBN 0-8362-2073-0. | 1 | 3 |
| 2 | Rand McNally Road Atlas. Rand McNally, \$5.95 ISBN 0-528-89600-8. | 3 | 34 |
| 3 | The Road Less Traveled. M. Scott Peck, M. D. Touchstone/ Simon & Schuster, \$9.95 ISBN 0-671-25067-1. | 2 | 82 |
| 4 | Dianetics: The Modern Science of Mental Health, Revised Edition. L. Ron Hubbard. Bridge Publications, \$4.95 ISBN 0-88404-219-7. The new edition, published September 1985, has 500,000 copies in print. | - | 1 |
| 5 | What Color Is Your Parachute 1986. Richard N. Bolles. Ten Speed Press, \$8.95 ISBN 0-89815-157-0. | 7 | 19 |
| 6 | War of the Twins. Margaret Weis and Tracy Hickman. TSR Inc. (dist. by Random House), \$3.95 ISBN 0-88038-266-X. | 5 | 5 |
| 7 | What They Don't Teach You at Harvard Business School. Mark H. McCormack. Bantam, \$8.95 ISBN 0-553-34277-0. | 4 | 9 |
| 8 | Loving Each Other. Leo Buscaglia. Fawcett/ Columbine, \$7.95 ISBN 0-449-90157-2. | 6 | 19 |
| 9 | Less Than Zero. Bret Easton Ellis. Penguin, \$5.95 ISBN 0-14-008894-6. | 6 | 10 |
| 10 | Love Always. Ann Beattie. Vintage Contemporaries, \$5.95 ISBN 0-394-74418-7. | - | 1 |

Mass Market Candidates

Fall from Grace. Larry Collins. NAL/Signet, \$4.50 ISBN 0-451-14428-7.

Heartburn. Nora Ephron. Pocket Books, \$3.95 ISBN 0-61-62483-0. The movie tie-in edition was published in July with 400,000 copies in print, bringing the total in-print figure for the paperback to 1,550,000.

House of the Spirits. Isabel Allende. Bantam, \$4.50 ISBN 0-553-25865-6.

Trade Candidate

Cold Sassy Tree. Olive Ann Burns. Dell Laurel Trade Paperback, \$5.95 ISBN 0-440-51442-8.

HUBBARD COMMUNICATIONS OFFICE
Saint Hill Manor, East Grinstead, Sussex

HCO POLICY LETTER OF 26 DECEMBER 1968

Remimeo

(Note: This data is turned out as an HCOB *and* a Pol Ltr [issued as each one] as may apply very broadly in both the OEC and Level IV or above Courses.)

THE THIRD PARTY LAW

I have for a very long time studied the causes of violence and conflict amongst individuals and nations.

If Chaldea could vanish, if Babylon turn to dust, if Egypt could become a badlands, if Sicily could have 160 prosperous cities and be a looted ruin before the year zero and a near desert ever since—and all this in SPITE of all the work and wisdom and good wishes and intent of human beings, then it must follow as the dark follows sunset that something must be unknown to Man concerning all his works and ways. And that this something must be so deadly and so pervasive as to destroy all his ambitions and his chances long before their time.

Such a thing would have to be some natural law unguessed at by himself.

And there *is* such a law, apparently, that answers these conditions of being deadly, unknown and embracing all activities.

The law would seem to be:

A THIRD PARTY MUST BE PRESENT AND UNKNOWN IN EVERY QUARREL FOR A CONFLICT TO EXIST.

or

FOR A QUARREL TO OCCUR, AN UNKNOWN THIRD PARTY MUST BE ACTIVE IN PRODUCING IT BETWEEN TWO POTENTIAL OPPONENTS.

or

WHILE IT IS COMMONLY BELIEVED TO TAKE TWO TO MAKE A FIGHT, A THIRD PARTY MUST EXIST AND MUST DEVELOP IT FOR ACTUAL CONFLICT TO OCCUR.

It is very easy to see that two in conflict are fighting. They are very visible. What is harder to see or suspect is that a third party existed and actively promoted the quarrel.

The usually unsuspected and "reasonable" third party, the bystander who denies any part of it *is* the one that brought the conflict into existence in the first place.

The hidden third party, seeming at times to be a supporter of only one side, is to be found as the instigator.

This is a useful law on many dynamics.

It *is* the cause of war.

One sees two fellows shouting bad names at each other, sees them come to blows. No one else is around. So *they*, of course, "caused the fight". But there *was* a third party.

Tracing these down, one comes upon incredible data. That is the trouble. The incredible is too easily rejected. One way to hide things is to make them incredible.

Clerk A and Messenger B have been arguing. They blaze into direct conflict. Each blames the other. NEITHER ONE IS CORRECT AND SO THE QUARREL DOES NOT RESOLVE SINCE ITS TRUE CAUSE IS NOT ESTABLISHED.

One looks into such a case THOROUGHLY. He finds the incredible. The wife of Clerk A has been sleeping with Messenger B and complaining alike to both about the other.

Farmer J and Rancher K have been tearing each other to pieces for years in continual conflict. There are obvious, logical reasons for the fight. Yet it continues and does not resolve. A close search finds Banker L who, due to their losses in the fighting,

is able to loan each side money, while keeping the quarrel going, and who will get their lands completely if both lose.

It goes larger. The revolutionary forces and the Russian government were in conflict in 1917. The reasons are so many the attention easily sticks on them. But only when Germany's official state papers were captured in World War II was it revealed that Germany had promoted the revolt and financed LENIN to spark it off, even sending him into Russia in a blacked out train!

One looks over "personal" quarrels, group conflicts, national battles and one finds, if he searches, the third party, unsuspected by both combatants or if suspected at all, brushed off as "fantastic". Yet careful documentation finally affirms it.

This datum is fabulously useful.

In marital quarrels the *correct* approach of anyone counseling, is to get both parties to carefully search out the *third* party. They may come to many *reasons* at first. These *reasons* are not beings. One is looking for a third *party*, an actual *being*. When both find the third party and establish proof, that will be the end of the quarrel.

Sometimes two parties, quarreling, suddenly decide to elect a being to blame. This stops the quarrel. Sometimes it is not the right being and more quarrels thereafter occur.

Two nations at each other's throats should each seek conference with the other to sift out and locate the actual third party. They will always find one if they look, and they *can* find the right one. As it will be found to exist in fact.

There are probably many technical approaches one could develop and outline in this matter.

There are many odd phenomena connected with it. An accurately spotted third party is usually not fought at all by either party but only shunned.

Marital conflicts are common. Marriages can be saved by both parties really sorting out *who* caused the conflicts. There may have been, in the whole history of the marriage several, but only one at a time.

Quarrels between an individual and an organisation are nearly always caused by an individual third party or a third group. The organisation and the individual should get together and isolate the third party by displaying to each other all the data they each have been fed.

Rioters and governments alike could be brought back to agreement could one get representatives of both to give each other what they have been told by *whom*.

SUCH CONFERENCES HAVE TENDED TO DEAL ONLY IN RECRIMINATIONS OR CONDITIONS OR ABUSES. THEY MUST DEAL IN BEINGS ONLY IN ORDER TO SUCCEED.

This theory might be thought to assert also that there are no bad conditions that cause conflict. There are. But these are usually REMEDIAL BY CONFERENCE UNLESS A THIRD PARTY IS PROMOTING CONFLICT.

In history we have a very foul opinion of the past because it is related by recriminations of two opponents and has not spotted the third party.

"Underlying causes" of war should read "hidden promoters".

There are no conflicts which cannot be resolved unless the true promoters of them remain hidden.

This is the natural law the ancients and moderns alike did not know.

And not knowing it, being led off into "reasons" whole civilizations have died.

It is worth knowing.

It is worth working with in any situation where one is trying to bring peace.

LRH:ei.rd
Copyright © 1968
by L. Ron Hubbard
ALL RIGHTS RESERVED

L. RON HUBBARD
Founder

Church of Scientology
Mtg Attendees:

Wallace Warfield (CRS)
Gail Padgett

Larry Hoffheimer (Atty)

Church of Scientology
John Standard
Earl Cooley
Marty Rathman
Hebert Jenks
John Peterson

Steve Calabresi

Memorandum



Subject
Information Requested on Cases
Involving the Church of
Scientology

Date

SEP 17 1986

To
Randy Levine
Associate Deputy AG
Steven Calabresi
Special Assistant to the AG

From *Wallace Warfield*
Wallace Warfield
Acting Director
Community Relations
Service

Attached are documents requested by you in preparation for your meeting of September 23, 1986, with officials of the Church of Scientology.

The first document is a copy of a cover letter and proposed joint motion and stipulation of settlement dated August 24, 1983, that had been negotiated between the Church of Scientology and the Civil Division. This settlement was never finalized. The Department eventually withdrew from settlement discussions with the Scientologists.

The second document is a list of cases supplied by an attorney for the Church of Scientology that involve the Scientologists and branches of the Federal Government. To the best of my knowledge there are no current cases being brought by the U.S. against the Church of Scientology. Church officials believe, however, that the Government is planning to prosecute the Church on several tax-related issues.

Please call me, 492-5939, or my General Counsel, Gail Padgett, 492-5955, if you need more information.

Attachments



U.S. Department of Justice

*Att'y - GUT
CIVIL FILE*

AUG 24 1983

LAGM:RDNesler:gaw
145-12-3526

Washington, D.C. 20530

Telephone
(202) 633-1269

Anthony P. Bisceglie, Esq.
Canan, Burns & O'Toole
1521 16th Street, N.W.
Washington, D. C. 20036

Re: Founding Church of Scientology
v. Director, FBI, No. 78-0107

Dear Tony:

Enclosed is a revised Customs proposal which we formulated after our meeting of August 15, 1983. We have attempted to resolve concerns raised by you at that meeting. If the proposed agreement is acceptable to your client, we are prepared to begin necessary steps for final approval within the Justice Department and the Customs Service. As we have previously indicated, we expect that this proposal will serve as a prototype for other defendant agencies such as Army, ATF, Interpol, and INS.

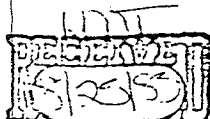
Please advise us of your reaction.

Very truly yours,

Robert D. Nesler /psd

ROBERT D. NESLER
Trial Attorney
Federal Programs Branch
Civil Division

Enclosure



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE FOUNDING CHURCH OF SCIENTOLOGY)
OF WASHINGTON, D. C., INC.,)
et al.,)

Plaintiffs,)

v.)

DIRECTOR, FEDERAL BUREAU OF)
INVESTIGATION, et al.,)

Defendants.)

Civil Action No. 78-0107

JOINT MOTION AND STIPULATION OF SETTLEMENT

Plaintiff, the Founding Church of Scientology ("Founding Church"), and the conditionally certified class of Churches and Missions of Scientology located in the United States which it represents, and defendant United States Customs Service of the Department of the Treasury ("Customs") have reached agreement on a proposed settlement of the claims of the Founding Church and the conditionally certified class against Customs. Therefore by this motion and pursuant to Rules 41(a)(2) and 23(e) of the Federal Rules of Civil Procedure plaintiff Founding Church and defendant Customs jointly request an Order approving the proposed settlement and dismissing all claims against defendant Customs.

I. STATEMENT OF THE CASE

1.1. Plaintiffs filed this action on January 23, 1978. The named plaintiff is the Founding Church. Defendants are the United States, the Director, Federal Bureau of Investigation, the Attorney General, Director, Central Intelligence Agency, Secretary of the Treasury (Customs is a component of the Department of the Treasury), Director, National Security Agency, the Postmaster

General, the Chief of the United States National Central Bureau of the International Criminal Police Organization, and the Secretary of the Army. The Complaint alleges that defendants, since 1955, engaged in a pattern of unlawful conduct which deprived plaintiff and the members of the conditionally certified class of Churches and Missions of Scientology of their constitutional rights.

Specifically the Founding Church alleges in its Complaint that since 1955 defendants have "implemented a series of programs and policies" designed to "disrupt and discredit certain American citizens and domestic political and religious organizations, including plaintiff and its leaders and members, to deter individuals from joining these organizations, and to obstruct the propagation and growth of these organizations." Complaint for Damages, Injunctive and Declaratory Relief, and for a Writ of Mandamus, ¶ 12 (January 23, 1978). ("Complaint")

Plaintiff further alleges that defendants routinely and unlawfully disseminated erroneous and derogatory information concerning the Church of Scientology, its members and leaders, to agencies and officials of the Executive Branch, members of Congress, private individuals and organizations, and foreign governments, in an attempt to systematically disrupt the Church of Scientology and to prevent its growth and interfere with the dissemination of its religious beliefs. (Complaint, paragraph 52).

1.2. Customs denies all allegations of unconstitutional or illegal conduct, or conduct inconsistent with the rules and regulations governing the operation of Customs.

1.3. This Court has made no findings of fact on these allegations.

II. THE AGREEMENT

2.1. The participating parties hereto, through their respective undersigned counsel, agree to the following terms of settlement of this action:

2.2. This Agreement is entered into voluntarily by the Founding Church and Customs under the supervision and with the approval of the Court. This Agreement does not constitute an admission of liability by Customs or an admission of the truth of any of plaintiff's allegations, expressed or implied.

2.3. This Joint Motion and Stipulation does not constitute an admission by plaintiff that all actions taken by Customs relating to plaintiff and the class are or were lawful or constitutional, and nothing herein shall be construed to limit the rights of plaintiff and the class under the laws and the Constitution, or to permit Customs to conduct any investigations not otherwise in accordance with the laws and the Constitution or applicable internal regulations.

2.4. Nothing in this agreement shall be construed to restrain Customs in any manner from fulfilling its lawful obligation or from carrying out its functions or to give plaintiff and the members of the conditionally certified class any right to special status or treatment in any potential interaction with Customs.

2.5. This Agreement is in full settlement of all issues, matters and claims which were asserted or could have been asserted

by the Founding Church or the Churches and Missions of Scientology against Customs, as set forth below in paragraph 2.7.

2.6. The Commissioner of the Customs Service, on behalf of himself, his successors, and his subordinates, agrees that:

(a) Any surveillance activities, including electronic surveillance activities, undertaken of plaintiff Founding Church, members of the conditionally-certified class, or any officer, member or affiliated organization of plaintiff by Customs shall be in accordance with the Constitution and applicable federal statutes, including 18 U.S.C. §§2510-20 (1976) and 50 U.S.C. §§1801-11 (Supp. II 1978), and any regulations promulgated thereunder.

(b) Customs agrees that any investigative activities undertaken by Customs and directed at plaintiff Founding Church, the conditionally certified class, or an officer, member or affiliated organization set forth in Exhibit A, will be in accordance with the Constitution, federal statutes, Executive Order or departmental regulations or other departmental procedures established in accordance with such statute or Executive Order which are currently in effect or which become effective subsequent to the date of this Joint Stipulation.

(c) Except as authorized by the United States Constitution, federal statutes, federal regulations, or Executive Order, Customs will not take any of the following actions regarding the plaintiff Founding Church, members of the conditionally-certified class or an officer, member or affiliated organization of plaintiff solely because of a person's affiliation with the

Church:

- (1) interfering with foreign travels;
- (2) collecting, maintaining, using or disseminating information on past or present associations of any individual with the Church or describing the activities of the Church.

(d) With respect to investigative files it maintains regarding individual officers and members of plaintiff or the conditionally certified class, Customs will comply with the provisions of the Privacy Act, 5 U.S.C. § 552a, including 5 U.S.C. §552a(e).

(e) Customs agrees to expunge, correct or allow rebuttal of information relating to plaintiff or the members of the conditionally certified class contained in its files, including computer systems, which plaintiff maintains is inaccurate, under the following guidelines: (1) Regarding any Customs document which plaintiff lawfully possesses,^{*/} Customs will consider any proposed deletion or alteration of information plaintiff believes is inaccurate if such a proposal is received by Customs within two months of the date of the signing of this agreement; (2) If Customs agrees that the information is inaccurate it will expunge that portion of the document from its files; (3) If, in its sole discretion, Customs determines not to expunge information plaintiff believes to be inaccurate, Customs will notify plaintiff, in writing, as to its decision and will allow plaintiff to provide a written rebuttal to the information not expunged. If

^{*/} Plaintiff must demonstrate to Customs that it obtained the document through legitimate means, e.g., Freedom of Information Act request, Privacy Act request or through discovery in a court action.

Customs' decision not to expunge is based on a particular reason, Customs will provide plaintiff with a statement of that reason. Plaintiff may not challenge Customs' statement of its reason for its decision not to expunge under the provisions of paragraph 4.1. Any expungement by Customs and, in the alternative, any notice by Customs to plaintiff concerning information not expunged shall occur within 60 days of receipt of plaintiff's proposed deletions or alterations. Any rebuttal by plaintiff must be sent to Customs within 30 days of notice by Customs that it has determined not to expunge the information; (4) Any rebuttal must reasonably relate to the topic of the information not expunged, and may not consist of a number of pages greater than the number of pages in the document it purports to rebut; (5) Any rebuttal meeting these requirements will be placed in the Customs file from which the document was produced; (6) Customs will take reasonable steps to ensure that any rebuttal which has been placed in the Customs file will be disseminated from that file along with the material it purports to rebut in any future dissemination. This rebuttal may be accompanied with an explanation by Customs regarding the rebuttal; (7) The rebuttal shall remain in the Customs file from which the document it purports to rebut was produced as long as the document it purports to rebut.

2.7. Founding Church and the Churches and Missions of Scientology agree to and hereby do relinquish any and all claims arising out of activities by Customs that occurred prior to the date of this Agreement that they have asserted or could have asserted in this action against Customs, and past, present or future Customs officials, officers, or employees. Upon final

approval of this Joint Stipulation all such claims shall be dismissed with prejudice, and all such individuals shall not be liable to plaintiff in any manner whatsoever for any injury suffered by the Founding Church or the Churches and Missions of Scientology or any individual member thereof arising out of any and all activities of Customs that occurred prior to the date of this agreement.

2.8. For any Customs documents referred to Customs by any defendant pursuant to any obligation arising out of this litigation, Customs will review such documents in accord with the terms and/or restrictions enumerated in paragraph 2.9, whether or not such documents are so identified after finalization of this stipulation. Any such documents released shall be subject to the terms and conditions of paragraph 2.6(e).

2.9. Customs will release to plaintiff copies of all documents responsive to plaintiff's discovery requests except those documents that it deems privileged. Customs will also release to plaintiff copies of all documents that comprise or relate to the files referred to in paragraph 4 and 8 of the Declaration of Dennis J. Cronin dated June 15, 1983, except those documents that it deems privileged. Customs will also conduct a search of the TECS computer system to ascertain the existence of any intelligence or investigative files concerning the following ten members or officers of plaintiff or member of the conditionally certified class, provided, however, that plaintiff provides a signed release mutually acceptable to the parties from each member or officer.

- 1.
- 2.
- 3.

- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Customs will do a TECS search for the following five affiliated organizations:

- 1.
- 2.
- 3.
- 4.
- 5.

Customs will provide an affidavit verifying that the above searches have been completed, describing the results of the searches. Customs will release all documents located as a result of these searches if not previously released; except those it considers privileged. As to all documents that are not released to plaintiff, Customs shall formally assert a claim of privilege for these documents and plaintiff shall have an opportunity to challenge the non-disclosure of such documents in the District Court having jurisdiction over this case, in accordance with paragraph 4.1. The affidavit provided by Customs shall verify that all documents located as a result of these searches have been released to plaintiff or have been withheld on the basis of a

claim of privilege. Except with respect to the documents not released to plaintiff by reason of a claim of privilege, completion of the TECS search described above, disclosure of documents identified in the TECS searches and certification by Customs that the searches have been completed, and that all documents either have been released or made the subject of a claim of privilege shall discharge Customs from any further search and disclosure obligations in this action.

III. NOTICE TO CLASS MEMBERS; OBJECTIONS; HEARING

3.1. As required by Rule 23(e) of the Federal Rules of Civil Procedure, notice of the terms of this Joint Motion and Stipulation shall be given to members of the class of plaintiff organizations.

3.2. With regard to providing notice as described in paragraph 3.1:

(a) The notice shall inform members of the class of at least the following:

- (1) the pendency of this case and of the claims of plaintiff against Customs;
- (2) the Court's class action determination;
- (3) a copy of the Joint Motion and Stipulation;
- (4) that each class member is entitled to file written objections with the Court to the terms or to final approval of the Joint Motion and Stipulation, and instruction for the filing of such objections; and

(5) the date, time and place of the hearing to be held on final approval of the stipulation.

3.3. Members of the class shall have 30 days from the date notice is mailed to file with the Court's written objections to the Joint Motion and Stipulation.

IV. ENFORCEMENT OF AGREEMENT

4.1. This court shall have continuing jurisdiction only to consider alleged violations of paragraph 2.6 and to review any claims of privilege asserted by Customs pursuant to paragraph 2.9 of this agreement.

4.2. If the Court finds that a pattern of substantial non-compliance or a serious intentional non-compliance with paragraph 2.6 of the Joint Stipulation has occurred or is occurring, it shall make such order as it deems just and necessary to insure future compliance with the Joint Stipulation.

V. COSTS

5.1. Each party to this action shall bear his own costs including attorney fees and costs taxable pursuant to 28 U.S.C. § 1920.

VI. EFFECTIVE DATE

6.1. This stipulation shall be effective upon approval by the Court.

VII. TRANSMITTAL

7.1. A copy of this stipulation shall be transmitted by Customs to all its field offices and intelligence and investigative subcomponents.

VIII. MISCELLANEOUS

8.1. As with other organizations purporting to be religious organizations, Customs takes no position as to the religious nature of the Church of Scientology.

JEFFREY B. O'TOOLE

LAWRENCE A. G. MOLONEY

ANTHONY P. BISCEGLIE

BARBARA S. WOODALL

WILLIAM C. WALSH

ROBERT D. NESLER

TIMOTHY B. WALTHALL

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PATRICIA A. BENNETT

Canan, Burns & O'Toole, P.C.
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Attorneys for Plaintiff

Attorneys, Civil Division
U.S. Department of Justice
10th & Pennsylvania Ave., N.W.
Washington, D. C. 20530

Attorneys for the United States
Customs Service

691-86

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ECONOMIST
CAROLYN A. EMIGH •

• NOT MEMBERS OF THE BAR

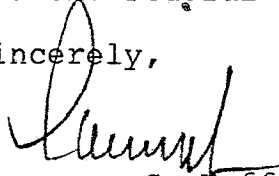
September 3, 1986

Mr. Wallace Warfield
Acting Director
Community Relations Service
5550 Friendship Blvd., Suite 330
Chevy Chase, Maryland 20850

Dear Mr. Warfield:

As you requested, enclosed you will find a list of pending litigation in Federal and State courts relating to the Church of Scientology and the Federal Government.

Sincerely,


Lawrence S. Hoffheimer

Enclosure

LSH:slh

Pending Litigation in Federal and State Courts
Relating to the Church of Scientology and the Federal Government

Founding Church of Scientology v. Director, FBI, et al.,
No. 78-0107 (D.D.C. 1978), 85-5885 (D.C. Cir. 1985)

Class action on behalf of all Scientology Churches and Missions in the U.S. alleging a conspiracy to violate the statutory and constitutional rights of the Churches and its members. The action requested declaratory and injunctive relief.

Dismissed when the Church failed to produce L. Ron Hubbard for a limited-purpose deposition to determine whether he was the Church's managing agent pursuant to Fed. R. Civ. P. 30. Appeal of dismissal pending.

Church of Scientology of California v. Elmer Linberg, et al.,
No. 77-2654-KN (C.D. Cal. July 1977)

Originally filed for declaratory and injunctive relief and damages against FBI agents and the DOJ with regard to the FBI raid of the California Churches in July 1977; dismissed against individual agents.

Complaint amended to request only injunctive and declaratory relief; dismissed based on dismissal of Founding Church, supra, on principles of res judicata.

Dismissal and award of costs granted defendants subsequent to dismissal are on appeal. All proceedings on appeal are stayed until the D.C. Circuit rules on Founding Church.

Church of Scientology of California, et al. v. Department of State,
No. 79-3263 (D.D.C. 1975). Stayed in January 1984 (after a long period of inactivity) pending a decision in Founding Church, supra.

Action by the Churches of Scientology for damages and injunctive relief with regard to information allegedly disseminated by the State Department about the Churches, their leaders and members.

-2-

Church of Scientology of California v. F.D.A., et al.,
No. 77-1307 (D.D.C. 1976)

FOIA case which was settled several years ago reserving only the issue of attorneys fees. Motion for attorney's fees filed two years ago; no decision rendered.

Church of Scientology of California v. Comm'r, I.R.S., et al.,
No. 80-3239 (D.D.C. 1980); C.A. No. 83-1856 (D.C. Cir. 1983).

FOIA case re the Church's request for records from I.R.S. In 1983 the Church appealed from summary judgment in favor of the I.R.S.

On May 27, 1986, a panel of the Court of Appeals for the D.C. Circuit reversed the district court's ruling and remanded the case for further proceedings. In addition, the D.C. Circuit rendered a decision en banc concerning the proper interpretation of the Haskell amendment to § 6103.

I.R.S. v. Acosta/Zolin (Clerk of the L.A. Superior Court),
No. 3352-78 (T.C.); No. 85-0440 (C.D. Cal. 1985);
Nos. 85-6065, 85-6105 (9th Cir. 1985). Church of
Scientology of California and Mary Sue Hubbard,
Intervenors.

This procedurally complex case has its basis in I.R.S. efforts to enforce its subpoena with regard to documents held under seal in the Los Angeles Superior Court, following Armstrong, infra.

CSI and Mary Sue Hubbard, Intervenors, filed joint Notice of Appeal July 1, 1985 appealing the part of ruling that some of the documents could be retained and used by the I.R.S.

Intervenors filed Motion to Seal the IRS Appeal Brief; motion granted June 9, 1986.

I.R.S. motion to dismiss COS appeal is pending.

-3-

Church of Scientology of California v. Armstrong,
No. C420-153 (Cal. Super. Ct. 1982);
(C.D. Cal. 1982); Nos. B005-060, B011-048 (9th Cir.
1985). Mary Sue Hubbard, Intervenor.

This case began as a Motion by the United States to inspect and copy certain sealed exhibits. The Church sought discovery re IRS possibly obtaining and distributing documents currently under court seal. DOJ's Motion to Stay Appeal until disposition of Founding Church, supra, was granted.

I.R.S. v. Author Services, Inc., Nos. 85-6194, 85-6195
(9th Cir. 1985). Church of Scientology of California,
Intervenor.

Case arose from I.R.S. summons directed to Author Services, Inc. requesting production of documentation relating to the financial affairs of L. Ron Hubbard and to the business records of ASI. Oral argument on pending appeals and cross-appeals was heard on August 8, 1986.

Church of Scientology of California v. Comm'r, I.R.S.,
83 T.C. 381 (1984), No. 3352-78 (9th Cir.)

This case was brought to contest a notice of deficiency issued by the I.R.S. for CSI-Calif. for the years 1970, 1971 and 1972.

The appeal to the Ninth Circuit has been briefed and argued, but a decision has not yet been issued.

Katherine Jean Graham, et al. v. I.R.S., 83 T.C. 30 (1983?),
Nos. 84-7794, 84-7798, 84-7799 (9th Cir. 1984)

This case is a class action by Scientology members challenging I.R.S. denial of exemption for contributions made to Scientology Churches.

The appeal to the Ninth Circuit has been briefed and argued, but a decision has not yet been issued.

-4-

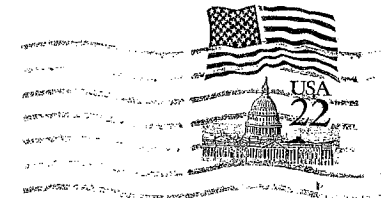
U.S. v. Mary Sue Hubbard, et al., Crim. No. 78-491 (D.D.C. 1978), No. 85-5813 (D.C. Cir. 1985).
Church of Scientology of California, Intervenor.

In June 1985, DOJ filed Motion to Correct Clerical Error requesting an order that its Memorandum in Aid of Sentencing be docketed nunc pro tunc Dec. 3, 1979 (this action taken due to California Church's complaint in Linberg, supra, that DOJ had disseminated its Memorandum not on public record). DOJ's motion was granted before opposition was due or filed, and denied California Church's intervention. California Church's appeal is now pending.

Flynn v. Church of Scientology International, et al.,
No. 85-4853 R (Mcx), (D.C. Cal. 1985).

There are several third-party discovery matters in this suit. We have sought discovery into the Boston U.S. Attorney's Office, IRS and DOJ to obtain information about Government collusion with Flynn and use of Flynn's client and paralegal, Armstrong, in a conspiracy to plant documents on Church premises for litigation and to overthrow current Church management. Also, we sought discovery into the matter of the Government having court-sealed documents.

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NOTO, OSWALD, HOFFHEIMER, EISMAN & MILLER
WASHINGTON HARBOUR
3050 K STREET, N. W., SUITE 310
WASHINGTON, D. C. 20007



Mr. Randy Levine
Associate Deputy Attorney General
U.S. Department of Justice
Washington, D.C. 20530

LAW OFFICES

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ECONOMIST
CAROLYN A. EMIGH •

• NOT MEMBERS OF THE BAR

September 24, 1986

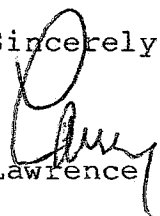
Mr. Randy L. Levine
Associate Deputy Attorney General
Room 4208
U.S. Department of Justice
Washington, D.C. 20530

Dear Randy:

Thank you for the time you spent meeting with the delegation from the Church of Scientology. I am looking forward to providing you an early transmission of the information you requested, i.e., a brief description of the issues that the Church believes are the source of continuing conflict. As agreed, this information will be transmitted directly to you with copies to Messrs. Anderson and Calabresi.

If there is any additional information you would like, please let me know. Again, let me express my sincere appreciation for your willingness to resolve this very costly and time-consuming dispute.

Sincerely,


Lawrence S. Hoffheimer

cc: David J. Anderson

LSH:slh

Rec'd 9/30/86
bmr

ROUTING AND TRANSMITTAL SLIP

Date9/26/86

TO: (Name, office symbol, room number, building, Agency/Post)		Initials	Date
1.	Randy Levine		
2.			
3.			
4.			
5.			

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

You may be interested in the attached opinion of the Court of Appeals, issued after our meeting with Scientology representatives, affirming the District Court's very favorable resolution of the central case they were talking about.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Dave Anderson, Civil	
	Phone No.

5041-102

U.S. GOVERNMENT PRINTING OFFICE:1981-294-529/132

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

Notice: This opinion is subject to formal revision before publication in the Federal Reporter or U.S.App.D.C. Reports. Users are requested to notify the Clerk of any formal errors in order that corrections may be made before the bound volumes go to press.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 85-5885

FOUNDING CHURCH OF SCIENTOLOGY
OF WASHINGTON, D.C., INC., APPELLANT

v.

WILLIAM H. WEBSTER, DIRECTOR OF THE
FEDERAL BUREAU OF INVESTIGATION
OF THE UNITED STATES, ET AL.

Appeal from the United States District Court
for the District of Columbia
(Civil Action No. 78-0107)

Argued June 3, 1986

Decided September 26, 1986

Anthony P. Bisceglie, with whom *William C. Walsh*
and *Jeffrey B. O'Toole* were on the brief for appellant.

Bills of costs must be filed within 14 days after entry of judgment. The court looks with disfavor upon motions to file bills of costs out of time.

Freddi Lipstein, Attorney, Department of Justice, with whom *Richard K. Willard*, Assistant Attorney General, Department of Justice, *Joseph E. diGenova*, United States Attorney, and *Barbara L. Herwig*, Attorney, Department of Justice were on the brief for appellees. *Anthony J. Steinmeyer* and *E. Roy Hawken*s, Attorneys, Department of Justice also entered appearances for appellees.

Regina Jackson was on the brief for *amici curiae*, American Coalition of Unregistered Churches, et al., urging reversal.

Before: GINSBURG, STARR, and SILBERMAN, *Circuit Judges*.

Opinion for the Court filed by *Circuit Judge STARR*.

STARR, *Circuit Judge*: The appeal before us marks the end of eight years of litigation in a case that has never passed beyond the stage of pre-trial discovery. The District Court dismissed the case as a sanction under Fed. R. Civ. P. 37 for failure to comply with a discovery order entered by the court. Specifically, L. Ron Hubbard, the founder of the Church of Scientology, failed to appear for a court-ordered deposition to inquire into his status as a managing agent of that organization. We are satisfied that the District Court acted lawfully within its authority and sound discretion. We therefore affirm.

I

In 1978, the Founding Church of Scientology of Washington, D.C. ("Scientology") filed suit on behalf of itself and a class composed of all "Churches" and "Missions" of Scientology in the United States. In its complaint, Scientology named the United States and numerous fed-

ment of Justice, with
Attorney General,
diGenova, United
rwig, Attorney, De-
brief for appellees.
Hawkins, Attorneys,
d appearances for

f for *amici curiae*,
l Churches, et al.,

SILBERMAN, Circuit

uit Judge STARR.

before us marks the
case that has never
discovery. The Dis-
sanction under Fed.
th a discovery order
. Ron Hubbard, the
y, failed to appear
uire into his status
ation. We are satis-
lawfully within its
therefore affirm.

cientology of Wash-
t on behalf of itself
es" and "Missions"
. In its complaint,
and numerous fed-

eral officials as defendants.¹ The complaint alleged an
extensive campaign of government harassment that in-
cluded illegal investigative and law enforcement activi-
ties, collection and dissemination of information about
Scientology and other related organizations, and encour-
agement of hostility toward the movement inside and out-
side the federal government.

By virtue of this alleged unlawful activity, Scientology
asserted violations of the First, Fourth and Ninth
Amendments to the Constitution. It sought compensatory
and punitive damages under the Federal Tort Claims
Act; a declaratory judgment that the defendants' actions
had violated the Constitution and laws of the United
States; an injunction against further law enforcement
activities by defendants directed at the various Scien-
tology "Churches" and their members; and further in-
junctive relief to expunge or destroy false and derogatory
information allegedly collected and obtained illegally by
defendants and placed in government records.

In an initial opinion and order dated October 19, 1978,
the District Court dismissed the damage claims for fail-
ure to exhaust administrative remedies under the Fed-
eral Tort Claims Act, and the claim for injunctive relief
from asserted religiously based discrimination on the
grounds that plaintiff had not pursued the exclusive
remedy available under Title VII of the Civil Rights
Act of 1964. The trial court allowed the remainder of

¹ The other defendants, named in their official capacities,
were the Director of the Federal Bureau of Investigation, the
Attorney General of the United States, the Director of the
Central Intelligence Agency, the Secretary of the Treasury,
the Chief of the United States National Central Bureau of the
International Criminal Police Organization, the Director of
the National Security Agency, the Secretary of the Army and
the Postmaster General. For convenience sake, the various
defendants-appellees will frequently be referred to in our dis-
cussion as "the Government."

the suit to proceed and conditionally certified a class of all Scientology Churches and Missions for purposes of seeking declaratory and injunctive relief.

Subsequent developments in the case followed on the heels of a criminal prosecution, *United States v. Mary Sue Hubbard*, Crim. No. 78-401, slip op. (D.D.C. order enforcing plea agreement Oct. 8, 1979), brought against nine high ranking officials of the Church of Scientology. In that case, several defendants stipulated that the network of Scientology organizations had conducted a broad campaign against U.S. Government entities and officials, particularly the Internal Revenue Service.² This concerted campaign by the Scientology apparatus encompassed a wide range of illegal activities, including theft of government documents for use in litigation against the United States, falsification of government identification cards, wiretapping, infiltration and perjury.

On the basis of this new evidence, the defendants in the present case sought to amend their answer to the complaint in order to interpose a defense of "unclean hands." The United States Magistrate, in a decision affirmed by the District Court, permitted the defense to be raised and discovery to be conducted without deciding whether such a defense should in fact be applied in this case. We pause to observe that "unclean hands" as a defense went to the injunctive remedy, but not to the request for declaratory relief. As will be seen, however, the defendants contend on appeal that the discovery they sought extended beyond this defense to provide a general, substantive defense to the claims asserted in this suit.³

² See Stipulation of Evidence filed Jan. 7, 1980 as Exhibit 1 to Memorandum of Facts and Activities in support of Defendants' Motion for Leave to Answer.

³ The undisputed evidence of a campaign of criminal activity by the Church, the appellees argue, in fact justified the intensive law enforcement activities that the complaint

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On August 21, 1984, as part of a series of discovery requests, the Government noticed the deposition of L. Ron Hubbard, the founder of the Church of Scientology, in his capacity as "an officer, director, or managing agent of plaintiffs." Joint Appendix ("J.A.") at 163. When Hubbard failed to appear for the deposition on the designated date, defendants moved to dismiss the suit or, in the alternative, to compel Hubbard's deposition. The court responded by ordering defendants to renotice the deposition and to submit a factual proffer as to why Hubbard's deposition was necessary. J.A. at 262. The court stated that if Hubbard did not appear, the Government could then renew its alternative motion to compel his deposition or dismiss the case. The defendants submitted the requested factual proffer and renoted the deposition. Hubbard again failed to appear on the appointed date. In the wake of this turn of events, plaintiffs submitted numerous declarations by officials of the individual Scientology churches and high officials in the central Scientology organization denying not only Hubbard's status as managing agent but any capability of contacting him. J.A. at 271-350. The Government responded with additional declarations and other evidence in support of Hubbard's status as managing agent. J.A. at 351-407.

In an order issued March 13, 1985, the District Court found that the Government had established "at least a prima facie case" that Hubbard was managing agent as of November 19, 1984. To settle this issue conclusively, the court ordered Hubbard to appear on April 5, 1985, for a limited-purpose deposition addressed to "the issue of his relationship to the organization." J.A. at 429. No inquiry could be made into the facts pertaining to the merits of the suit. Failure to appear, the court expressly

attacked. See Transcript of Oral Argument, June 3, 1986, at 18-28.

warned, would result in dismissal of the suit altogether. *Id.* Submitting several additional declarations by Church employees and officials, plaintiff moved for reconsideration. J.A. at 431-72. This the court denied. J.A. at 475. On April 9, 1985, upon notification by counsel that Hubbard had failed to appear for the limited-purpose deposition as scheduled, the court dismissed the case with prejudice. J.A. at 488. On July 10, the court denied the plaintiff's motion to vacate the judgment of dismissal. Scientology then filed this appeal.

II

The ultimate question for resolution is whether the District Court abused its discretion when it dismissed this suit as a discovery sanction under Fed. R. Civ. P. 37. Before we reach that issue, however, we must first determine whether the District Court properly resolved the underlying question whether the Government had shown, at least *prima facie*, that Hubbard was a managing agent of Scientology and could therefore be compelled to testify on its behalf.

A

Fed. R. Civ. P. 26(a) broadly authorizes parties to obtain discovery by various means, the first of which is "depositions upon oral examination." Depositions thus rank high in the hierarchy of pre-trial, truth-finding mechanisms. That is not surprising. Face-to-face confrontations prior to trial, with such indicia of formality as administration of the oath, the presence of counsel and stenographic recording of the proceedings, are a critical component of the tools of justice in civil litigation. Fed. R. Civ. P. 30(a) thus broadly provides that "any party may take the testimony of any person, including a party, by deposition upon oral examination." Fed. R. Civ. P. 32(a) (2), governing the use of depositions in court proceedings, provides that the deposition "of anyone who at the time of taking the deposition was an officer, director,

the suit altogether. arations by Church ed for reconsidera- denied. J.A. at 475. y counsel that Hub- ited-purpose deposi- the case with prej- e court denied the ment of dismissal.

is whether the Dis- en it dismissed this Fed. R. Civ. P. 37. we must first deter- properly resolved the ernment had shown, is a managing agent compelled to testify

uthorizes parties to he first of which is " Depositions thus trial, truth-finding . Face-to-face con- indicia of formality sence of counsel and ings, are a critical civil litigation. Fed. les that "any party , including a party, " Fed. R. Civ. P. sitions in court pro- "of anyone who at an officer, director,

or *managing agent* . . . may be used by an adverse party for any purpose." (Emphasis added.) At the same time, Fed. R. Civ. P. 37(d) authorizes dismissal and other sanctions "[i]f a party or an officer, director or *managing agent* of a party . . . fails . . . to appear before the officer who is to take his deposition, after being served with a proper notice." (Emphasis added.) The concept of "managing agent" is thus an integral part of the corpus of discovery law. See also Fed. R. Civ. P. 30(b)(6).

Federal discovery provisions have traditionally provided a mechanism for an adverse party to secure depositions from a public or private corporation through a managing agent designated by the adverse party. In 1970, an amendment to the Federal Rules of Civil Procedure replaced a specific authorization for securing depositions of managing agents with the current, more general framework, and established a new mechanism permitting the corporation (or other entity) itself to designate managing agents to sit for depositions, see Fed. R. Civ. P. 30(b)(6). When the entity itself makes the designation, subsequent disputes over the adverse party's use of the deposition "for any purpose" are avoided. See Fed. R. Civ. P. 30, Advisory Comm. Note to Subdivision (b)(6), at 92 (1986). However, the language authorizing the new procedure expressly stated that it "does not preclude taking a deposition by any other procedure authorized in these rules." Fed. R. Civ. P. 30(b)(6). The Advisory Committee Note accompanying the Rule made clear that the new procedure does not supplant but "supplements the existing practice whereby the examining party designates the corporate official to be deposed." The former procedure, long known to the bar, thus remains available for litigants to employ if they see fit. See *Atlantic Cape Fisheries v. Hartford Fire Insurance Co.*, 509 F.2d 577, 578-79 (1st Cir. 1975); 8 C. Wright, A. Miller & E. Cooper, *Federal Practice and Procedure* § 2103, at 373-74 (1970). It was under this traditional procedure that the Government sought to depose Hubbard.

We pause at this stage of our analysis to observe that there is no doubt, and appellant indeed has not sought to dispute, that Scientology qualifies under the broad category of organizations which can be deposed through an adverse party's designation of a managing agent. Regardless of whether Scientology is a religious organization, a for-profit private enterprise, or something far more extraordinary—an intriguing question that this suit does not call upon us to examine—the entities to which the managing-agent concept can be applied include all manner of public and private corporations and associations, non-profit and otherwise. See 4A J. Moore, Moore's Federal Practice ¶ 30.51, at 30-41 (2d ed. 1984).

The law concerning who may properly be designated as a managing agent is sketchy.⁴ Largely because of the vast variety of factual circumstances to which the concept must be applied, the standard, like so many others in the law, remains a functional one to be determined largely on a case-by-case basis. See *Petition of Manor Investment Co.*, 43 F.R.D. 299, 300 (S.D.N.Y. 1967); *Kolb v. A.H. Bull Steamship Co.*, 31 F.R.D. 252, 254 (S.D.N.Y. 1962). Nearly all the published cases relating to the issue are from the district courts, and nearly all

⁴ In at least one instance, the burden of proof to establish managing-agent status has been placed on the party seeking discovery. See *Proseus v. Anchor Line, Ltd.*, 26 F.R.D. 165, 167 (S.D.N.Y. 1960). Since the ultimate decision whether a deposition qualifies as a statement by a managing agent must be made by the trial court in applying Fed. R. Civ. P. 32(a)(2), courts in pretrial proceedings have resolved doubts under the standard in favor of the examining party. See *Atlantic Coast Insulating Co. v. United States*, 34 F.R.D. 450 (E.D.N.Y. 1964); *United States v. The Dorothy McAllister*, 24 F.R.D. 316, 318 (S.D.N.Y. 1959); *Rubin v. General Tire & Rubber Co.*, 18 F.R.D. 51, 56 (S.D.N.Y. 1955); *Curry v. States Marine Corp.*, 16 F.R.D. 376, 377 (S.D.N.Y. 1954); 4A J. Moore, *supra*, at ¶ 30.55(1); C. Wright, A. Miller & E. Cooper, *supra*, § 2103, at 376.

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of those decisions concern whether an employee of a corporation should be designated a managing agent. 4A J. Moore, *supra*, ¶ 30.55, at 30-72 n.15. Only rarely have courts even had occasion to examine whether a *de facto* relationship with a corporation, rather than a *de jure* one, furnishes a basis in law for designating a managing agent. See, e.g., *Petition of Manor Investment Co.*, *supra*; *Independent Producers Corp. v. Loew's, Inc.*, 24 F.R.D. 19 (S.D.N.Y. 1959).

In the *Manor Investment* case, the individual designated as a managing agent was not shown to hold any office or formal position in the corporation. He did, however, control its affairs, performing functions "of a supervisory nature" related to the activities in question. More generally, the individual exercised "supreme" authority within the corporation. *Id.* at 301. In addition to having practical control of the firm's destiny, the individual owned all the stock in the enterprise. In concluding that the individual was indeed a "managing agent" of the enterprise, Judge Weinfeld found "such unity of interest between [the company] and [the owner], that it may be referred to as his 'alter ego.'" *Id.* The learned judge thus drew on the familiar doctrine of law permitting courts, where the result would otherwise be unjust or inequitable, to pierce the corporate veil, a veil that ordinarily shields investors from liability for contractual obligations or tortious acts by the corporation and that protects the corporation from being bound by the independent acts of investors. See *Labadie Coal Co. v. Black*, 672 F.2d 92, 96-100 (D.C. Cir. 1982). See generally Wormser, *The Disregard of the Corporate Fiction and Allied Corporate Problems* (1927); Hamilton,

⁵ "[T]he fiction of corporate entity may be and should be disregarded in the interests of and to promote justice in such cases as fraud, violation of law or contract, public wrong, or to work out the equities among members of the corporation internally and not involving rights of the public or third

The Corporate Entity, 49 Tex. L. Rev. 979 (1971); Berle, *The Theory of the Enterprise Entity*, 47 Colum. L. Rev. 342-43 (1947); Latty, *Disregarding the Corporate Entity as a Solvent of Legal Problems*, 34 Mich. L. Rev. 597 (1936). Under the alter ego theory, the court may ignore the existence of the corporate form whenever an individual so dominates an organization "as in reality to negate its separate personality." *Quinn v. Butz*, 510 F.2d 743, 758 (D.C. Cir. 1975). The test is a practical one, focusing on how active and substantial the individual's control is. *Valley Finance, Inc. v. United States*, 629 F.2d 162, 172 (D.C. Cir. 1980).

For the purpose of determining whether an individual is a "managing agent" within the meaning of the discovery rules, the alter ego theory provides a useful analogy. As in the arena of corporate liability, the focus begins with the character of the individual's control. In addition, we can profitably examine both the degree to which the interests of the individual and the corporation converge, and how helpful the individual will be in fact-finding on the matter at issue, in comparison to others associated with the corporation. As in all matters appertaining to discovery, it is the ends of justice that are to be served. See Fed. R. Civ. P. 1 (the Federal Rules "shall be construed to secure the just, speedy, and inexpensive determination of every action").

C

L. Ron Hubbard resigned from his official position as Executive Director of Scientology Churches in 1966, after serving for more than a decade. He continued thereafter in the ostensibly nominal position of "Founder." The Government offered abundant evidence in the District Court, however, that Hubbard played a uniquely promi-

persons." *Fletcher Cyclopedia Corporations* § 25, at 305; see also W. Cary & M.E. Eisenberg, *Cases and Materials on Corporations* 80-103 (5th ed. 1980).

ment role within Scientology and various affiliated organizations from 1966 until the early 1980's. As founder of Scientology and the sole source of its scriptures, Hubbard enjoyed authority difficult for the founder and owner of a garden-variety private business to attain. Private, secular concerns may advance beyond the vision of its founder; new talents may need to be secured as the cycles of the organization's development unfold. It is not at all an unfamiliar situation for the entrepreneur—the visionary—to find inhospitable the administration of the vast enterprise spawned by his experimentation in the laboratory or workshop. But an organization claiming to be a religion that is built upon the word of a single individual venerated by the flock of the faithful is, it scarcely needs to be said, a rather different sort of entity. It is not disputed that, in the spiritual or ecclesiastical matters asserted to be the high mission of Scientology organizations, the word of L. Ron Hubbard has remained unquestioned.

From evidence adduced below, Hubbard appears to have maintained control in administrative matters through high positions in such entities as the Sea Organization, "an elite fraternity of Scientologists." *Church of Scientology of California v. Comm'r*, 83 T.C. 381, 389 (1984).⁶ Indeed, uncontested declarations before the District Court

⁶ The Tax Court found that although Hubbard had officially resigned from his position as Executive Director of Scientology in 1966, he remained in the "top position." Through the Hubbard Communications Office Policy Letters, he controlled the basic administrative policy of the California Church, the "Mother Church" of all Churches of Scientology in the United States, 81 T.C. at 389, 401. Through various types of policy directives, including "Flag Orders," "L. Ron Hubbard Executive Directives," and "Orders of the Day," Hubbard directed operations in Scientology's subsidiary organizations. *Id.* at 389.

Hubbard also retained control over Scientology's financial affairs. He was a signatory on all Scientology bank accounts. His approval was required for all financial planning. He was

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leave little doubt about either the ecclesiastical or administrative dimensions of Hubbard's authority during the period from 1966 to 1982. The declarations of Diana Sue Reisdor-Voegeding and John Nelson, associates of Hubbard until 1982, describe the mechanisms by which Hubbard controlled operations of Scientology and its related organizations, passed on orders to subordinates, and sought to avoid prosecution for his ties to the Church. J.A. at 395-403. Beyond these declarations specifically cited by the District Court (J.A. at 429), the Government submitted other declarations bearing on the question of Hubbard's control. Laurel Sullivan, an officer in the Scientology organizations from 1973 to 1981, asserted that public pronouncements to the effect that Hubbard had at that time disassociated himself from the Scientology organizations were "completely untrue," and that he in fact issued orders that were immediately obeyed. J.A. at 208. Kima Douglas, who worked at the Church from 1968 through 1980, declared that Hubbard exercised "complete control over the entire (Church) organization." J.A. at 216. Gerald Armstrong, another associate, told of a 1980 meeting to make plans to conceal Hubbard's acknowledged control over "all aspects of" the Church of Scientology of California. J.A. at 222. The Tax Court decision to which we just alluded, in denying the California Church of Scientology tax-exempt status for the years 1970, 1971 and 1972, set forth detailed findings about Hubbard's relation to that organization along with the numerous other Scientology organizations. *Church*

the sole trustee of a major Scientology fund. He controlled Operation Transport Corp., Ltd., a sham corporation which purportedly performed banking services for "Flag," Scientology's administrative center. *Id.* at 389, 399, 400.

Further, Hubbard supervised "auditing," the process through which Scientologists help an individual gain "spiritual competence." He also continued to develop Scientology doctrine, *id.* at 385, 389, as our subsequent discussion in the text will show.

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of *Scientology v. Comm'r, supra*. The Tax Court harbored no doubt that Hubbard "kept control over" the policies, actions, and even the finances of the California Church. *Id.* at 389; ⁷ see also n.6, *supra*.

Beyond the overall dominance that he exercised over the Scientology organizations during this earlier period, Hubbard was closely linked to, if not in charge of, the activities for which appellees initially sought his deposition. The primary evidence about these activities emerges from the criminal prosecution in which seven members of the church, including Hubbard's wife, were found guilty of conspiracy to obstruct justice. In that trial, one defendant was found guilty of conspiring illegally to obtain government documents, and another was found guilty of theft of government property. See *United States v. Hubbard*, 650 F.2d 293, 301 (D.C. Cir. 1980). In a Stipulation of Evidence submitted in that case, the defendants recounted a full-fledged campaign mounted by the Church of Scientology and its affiliated organizations against the United States Government, particularly the Internal Revenue Service. See Stipulation of Evidence, *supra*. The conspiracy, involving all levels of the Church hierarchy, encompassed theft of government documents for use in litigation against the United States, falsification of government identification cards, wiretapping, infiltration and perjury. See *id.* The Stipulation indicated that Hubbard "was, by virtue of his role as the founder and leader of Scientology, overall supervisor of the Guardian's Office," a Scientology entity which carried out

⁷ To be sure, the findings by various courts which have found themselves immersed in Scientology-related litigation have not been entirely uniform in this respect. See *Church of Scientology of California & Founding Churches of Scientology of Washington, D.C. v. Siegelman*, No. 79 Civ. 1166 (S.D.N.Y. order dated Oct. 27, 1980) ("absence of any official connection" to Churches on the basis of evidence before the court prohibits compulsion of Hubbard as a witness), J.A. at 271-73.

these illicit activities. *Id.* at 7. Indeed, the grand jury named Hubbard as an unindicted co-conspirator in that case. Those indicted and convicted included not only Hubbard's wife, who "as the second person in the hierarchy of Scientology, had duties which included supervision of the Guardian's Office," *id.* at 8, but several other officials occupying high posts in the Scientology hierarchy.

The criminal case does not stand alone. The Tax Court decision to which we previously referred denied the Church tax exempt status in part because of this conspiracy by the Scientology organizations, "beginning in 1969 and continuing at least until July 7, 1977." *Church of Scientology of California v. Comm'r, supra*, 83 T.C. at 505. Finding that the Church of Scientology of California "filed false tax returns, burglarized IRS offices, stole IRS documents, and harassed, delayed, and obstructed IRS agents who tried to audit the Church's records," *id.*, the Tax Court held that the California Church had violated public policy and thereby lost entitlement to any exemption which it might otherwise have enjoyed. 83 T.C. at 506-09.

Abundant evidence supports the proposition that Hubbard continued in his *de facto* position as head of the Church.⁸ Based on the evidence in the record, the Dis-

⁸ We observe that other courts have reached inconsistent results in related cases concerning the managing-agent status of Hubbard in more recent years. Three decisions, relying on many of the same declarations and documentary evidence presented in this case, found that Hubbard could be deposed as a managing agent. *Church of Scientology of California v. Armstrong*, No. C420153 (Cal. Super. Ct. July 20, 1984), J.A. at 165-93; *Church of Scientology of California v. Flynn*, No. CV 83-5052R (C.D. Cal. Mar. 20, 1985) (finding Hubbard a managing agent through March 4, 1985), Supplemental Appendix ("S.A.") at 729-30; *Church of Scientology Int'l v. Elmira Mission of the Church of Scientology*, No. CV 85-412T (W.D.N.Y. order dated Nov. 26, 1985), J.A. at 732-49. A fourth court, upholding the finding of a United States Magistrate, concluded that Hubbard could not be considered a man-

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trict Court rightly concluded that Hubbard was in a position to provide information about the conspiracy on behalf of the Scientology organizations for this purpose.

D

To designate Hubbard as, at least prima facie, a managing agent, the District Court had to find it probable that he remained a managing agent for the Scientology organizations at the time his deposition was sought. Fed. R. Civ. P. 32(a)(2). 4A J. Moore, *supra*, ¶ 32.04. For the first scheduled deposition, Hubbard must have been, prima facie, managing agent as of November 1984; for the second, as of April 1985. Faced with overwhelming evidence of Hubbard's continuing control over Scientology as of 1982, appellants have sought to raise doubt whether Hubbard remained as managing agent after that time and specifically at the critical, later dates of the aborted depositions. First, they emphasize that the declarants upon whose statements the Government relies held no positions in Scientology organizations after 1982. Second, Scientology submitted numerous statements by its high officials to the effect that Hubbard had engaged in communications with Scientology's official organs only intermittently since 1982 and that he had not communicated with the Scientology apparatus since May 1984. See, e.g., Declaration of Marc Yager, J.A. at 437-39; Declaration of Guillaume Lesevre, J.A. at 446-47. Third, Scientology points to indications of organizational rearrangements around 1981-82, when Hubbard hired a law firm and a professional management agency separate from the Scientology network to handle his personal affairs. See Declaration of Lyman Spurlock, J.A. at 457-58; Declaration of Lawrence E. Heller, J.A. at 461-64.

aging agent for purposes of Fed. R. Civ. P. 30 after December 9, 1983. *Religious Technology Center v. Scott*, No. CV 85-711-MRP (C.D. Cal. order dated Jan. 24, 1986), J.A. at 773-75; see also n.4, *supra*.

The narrow question to be explored is whether the District Court erred in holding it probable that Hubbard continued to exercise the authority of a managing agent for Scientology insofar as he retained authority to determine whether to govern authoritatively in either administrative or ecclesiastical affairs. As noted above, Hubbard's role as managing agent up to approximately 1982 is well established in the record. A "general principle" in the law of evidence in such matters is that "a *prior* or *subsequent* existence is evidential of a later or earlier one." 2 *Wigmore on Evidence* § 437, at 514 (emphasis in original).⁹ In addition, the declarations of the church officials themselves, while denying Hubbard's role,¹⁰ in fact implicitly confirmed that Hubbard, even after 1982, remained free at all relevant times to communicate to them whatever and whenever he wanted. Indeed, the two times they agree that he did communicate with the entire Scientology apparatus, in December 1983 and January 1984, Scientology dutifully issued his statements to its members,¹¹ exactly as if he remained in his undisputed

⁹ We recognize that a presumption of continuity in time may not hold as an absolute rule for relations of authority, see 9 *Wigmore on Evidence* § 2530 (Chadbourn ed. 1981). "[T]he rulings merely declare that certain facts are admissible, or that they are sufficient evidence for the jury's finding . . . on such issues. . . ." *Id.* (citations omitted).

¹⁰ It cannot go unnoticed that these declarations were provided by individuals who owe their allegiance to an organization whose officials in the past have employed a number of devices, including deception and falsification, to achieve the organization's goals. But needless to say, we are not in a position to weigh the veracity of the numerous declarants whose statements came before the District Court.

¹¹ Rons Journal 38, as the later communication was known, took the form of a tape recording distributed to local Scientology Churches and Missions. See Transcript, transcribed December 18, 1984, J.A. at 355-93. In this message, apparently recorded on New Year's Day 1984, Hubbard reported that he was making available "the first accurate briefing I have had on scientology organizations in several years." J.A.

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position of authority. Lesevre Declaration at J.A. 446;
Yager Declaration at J.A. 438-39. As the District Court
concluded, it appears without question that had Hubbard
attempted to reassert his authority in other ways, Scien-
tology officials would have accepted that exercise of do-
minion over the flock. So far as we can discern, the
record reveals no evidence that Hubbard intended to end
his relationship with Scientology, but only that he wanted,
in his unfettered discretion, to determine whether and
how to continue that relationship. Ultimate control, we
have no doubt, he possessed until his death.¹²

The continued, undisputed possibility that Hubbard
might unilaterally reassert his authority provided ade-

at 356. The transcript suggests the way he continued to
exercise such authority that amounted to control. He noted
that he had not "[f]or a very long while . . . been connected"
with the "demanding area" of "active management of the
Church or associated organizations." *Id.* Yet, as the reason
for this separation, Hubbard contended that he needed time
to "complete my researches and write them up for you," *id.*,
an apparent reference to his pursuit of refinements in Scien-
tology doctrine. *See also* J.A. at 391-92 (announcing "new
discoveries"). In the bulk of the 37-page transcript, Hubbard
recounted in great detail the latest changes in the Scientology
organizations, with comprehensive statistics about the state
of finances, the growth of the organization, and efforts by
"new executives" in the organization to "rebuild global scien-
tology in every division and sector, get it back on policy and in
tech" after an alleged attempt by "power crazy people" to take
over the organization. J.A. at 357-58. In this communication,
Hubbard alluded to "Rev. 352," or L.R.H. Ed. 352, J.A. at 358-
59. In this statement from December 1983, Hubbard "gave
an inkling" of the recent changes in the organization that
Rons Journal 38 described in detail.

¹² On January 27, 1986, over nine months after dismissal
of this suit in the trial court, the Church announced that L.
Ron Hubbard had died on January 24, 1986. *See* J.A. at 718
(citing account in *Washington Post*). As the parties have
implicitly recognized, Hubbard's passing has no bearing on
the questions before us. We remain obligated to decide the
appeal on the basis of the record before the District Court.

quate justification for the trial court's holding. Courts have accorded managing agent status to individuals who no longer exercised authority over the actions in question (and even to individuals who no longer held any position of authority in a corporation), so long as those individuals retained some role in the corporation or at least maintained interests consonant with rather than adverse to its interests. See, e.g., *Independent Producers Corp. v. Loew's, Inc.*, *supra*; *Fay v. United States*, 22 F.R.D. 28, 31-32 (E.D.N.Y. 1958); *Curry v. States Marine Corp.*, *supra*, 16 F.R.D. 568; *But see Proseus v. Anchor Lines, Ltd.*, *supra*, 26 F.R.D. 165.

But we are satisfied that the District Court's holding in this respect rests on even stronger ground. Hubbard continued through 1984 not only as the potential leader of the Scientology organization but as the actual leader. Even as Hubbard may have sought to distance himself, for whatever reason, from administrative details and to separate his personal business affairs from the Scientology apparatus, the evidence before the District Court demonstrated that Hubbard retained preeminence as spiritual or ecclesiastical head of Scientology. The basic structure of belief for Scientology dictates that no one can replace him in this role.¹³ In this essential sense, Scientology

¹³ We are informed, without contradiction, that Scientologists uniformly agree that the writings of Hubbard comprise the sole source of their scriptures, a status equivalent to Judeo-Christian Scriptures. See Declaration of Heber Jentsch, J.A. at 279; Yager Declaration, J.A. at 435-36; Lesevre Declaration, J.A. at 444; Church of Scientology, *Scientology: A World Religion Emerges in the Space Age* 52-55, District Court Exhibit 4(a)-A. As Rons Journal 38 suggests, Hubbard viewed even his most recent "new discoveries" as authoritative truth to be passed on as church doctrine. J.A. at 391-92. The great detail in which Hubbard recounted in Rons Journal 38 the status of the church organization and its membership also suggests that despite the declarations of Church officials, Hubbard's role after 1982 may have encompassed at least some sort of advisory authority over the organization; the communications about "dis-

remained his alter ego despite the passive role he sought to assume. In an organization which claims to derive its purpose from Hubbard's writings and sayings, the role that Hubbard continued to play in Scientology affairs could scarcely be viewed in law or in practical judgment as a figure of lesser status than that of managing agent.

E

We recognize that the District Court's definition of "managing agent" imposed a greater burden on Hubbard if he truly wished to disassociate himself from the Scientology organization that might obtain for, say, the founder of a business enterprise. Yet, Hubbard's status—as founder and spiritual leader of a movement that lays claim to the status of a religion—presents a unique situation in the application of traditional legal doctrines governing the relationship of individuals to organizations or associations with which they are or have been affiliated. While an entrepreneur might simply terminate all connections to the enterprise that he or she had founded, Hubbard's teachings catapulted him to the epicenter of Scientology attention and activity. During his lifetime, Hubbard remained an object of allegiance and veneration even if he did not maintain regular communication with the organizational vessel. Under these unusual circumstances, we have no hesitation in upholding the District Court's finding that the Government had shown, *prima facie*, Hubbard's status as managing agent of Scientology at the pertinent times.

III

The question remains whether the trial court properly dismissed this suit under Fed. R. Civ. P. 37(b)(2) by

semination and delivery of Scientology religious services," Lesevre Declaration at J.A. 446; Yager Declaration at J.A. 438, which the declarants have not submitted for the record or described in detail, suggests the same.

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virtue of Hubbard's failure to appear at the April 1985 deposition. As in other cases of dismissal imposed as a sanction, the applicable standard of review confines appellate inquiry to whether the District Court abused its discretion. See *National Hockey League v. Metropolitan Hockey Club, Inc.*, 427 U.S. 639, 642 (1976) (per curiam); *Aruba Bonaire Curacao Trust Co. v. C.I.R.*, 777 F.2d 38, 44 & n. 7 (D.C. Cir. 1985) (dismissing suit under "analogous" Tax Court Rule 104); *Weisberg v. Webster*, 749 F.2d 864, 870 (D.C. Cir. 1984) (dismissing suit under Rule 37); *Automated Datatron, Inc. v. Woodcock*, 659 F.2d 1168, 1169 (D.C. Cir. 1981) (dismissing counterclaim under Fed. R. Civ. P. 41(b)). That is, needless to say, a rule of appellate restraint, a principle faithful to the reality that appellate tribunals cannot hope to have the entire range of considerations as readily at hand as the court charged with the case in the first instance. We rightly pay great deference, as the abuse-of-discretion standard itself suggests, to the District Court's determination in such instances. Implicit in that governing standard is the recognition that the trial court has a better "feel," as it were, for the litigation and the remedial actions most appropriate under the circumstances presented. The Court of Appeals enters the fray only at the end of what may well be—and indeed was here—a lengthy process that moved step-by-step toward the disposition that prompts the challenge on appeal. The abuse-of-discretion standard calls on the appellate department, in a spirit of humility occasioned by not having participated in what has gone before, not just to scrutinize the conclusion but to examine with care and respect the process that led up to it.

A

The pertinent text of Rule 37 provides that when "a party or an officer, director, or managing agent of a party . . . fails . . . to appear before the officer who is to take his deposition, after being served with proper

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notice . . . the court in which the action is pending on motion may make such orders in regard to the failure as are just,” including “dismissing the action or proceeding or any part thereof.” Rule 37(b)(2), (b)(2)(C).

In reviewing dismissals under Fed. R. Civ. P. 37 and the closely analogous Tax Court Rule 104, we have consistently applied the rule of *Societe Internationale v. Rogers*, 357 U.S. 197, 212 (1958), requiring that the dismissal be based on “willfulness, bad faith, or . . . fault” on the part of the plaintiff. See *Aruba Bonaire Curacao Trust Co. v. C.I.R.*, *supra*, 777 F.2d at 45; *Weisberg v. Webster*, *supra*, 749 F.2d at 871. While such a finding remains a prerequisite to imposition of the dismissal sanction, it is by no means the sole consideration relevant to the determination whether to dismiss the case. As the Supreme Court has observed, a court does well to consider the deterrent effect a sanction will have on parties and potential parties in other cases who might otherwise contemplate abusive actions. See *National Hockey League*, *supra*; see also *Shea v. Donohoe Construction Co.*, No. 85-5931, slip op. at 13 (D.C. Cir. July 18, 1986); *Aruba Bonaire*, *supra*, 777 F.2d at 44; *Weisberg*, *supra*, 749 F.2d at 870-71. Especially in cases of delay to the orderly progression of the litigation process, the fundamental concern of avoiding the squandering of scarce judicial resources (and the resources of other litigants) in an era of overcrowded dockets and untoward delays in getting cases decided is highly germane to whether a District Court should dismiss a case. See *Donohoe Construction Co.*, *supra*, slip op. at 9-10; *Automated Datatron, Inc.*, *supra*, 659 F.2d 1168.

In review of past dismissals under Fed. R. Civ. P. 37 and Tax Court Rule 104, this court has had little trouble in finding the requisite bad faith or fault where the party has failed to respond to interrogatories, see *Weisberg v. Webster*, *supra*, or failed to appear at depositions without an attempt at explanation, see *Aruba Bonaire*,

supra. Here, despite the protestations of Scientology that it could not contact Hubbard, the District Court took Hubbard's absence at the April deposition to "supply the requisite 'element of willfulness or conscious disregard' for the discovery process which justifies the sanction of dismissal" (citing *Dellums v. Powell*, 566 F.2d 231, 235 (D.C. Cir. 1977)), J.A. at 475. In our view, this treatment comported with the status of managing agent that the District Court properly attributed, *prima facie*, to Hubbard. Since Scientology remained Hubbard's alter ego, notice to the organization could reasonably be construed as notice to him; in consequence, the Church itself, as the party for which Hubbard was, *prima facie*, the managing agent, could be sanctioned for his failure to appear when ample advance notice was given of the importance of the deposition and the consequence that would attach from failure to attend to it.¹⁴

The District Court also had ample reason to interpret the failure of Hubbard to abide by its order as evidence of "willfulness, bad faith or . . . fault." *Societe Internationale, supra*, 357 U.S. at 212. Appellees presented substantial evidence that the arrangement by which Hubbard could communicate with the Church only at his initiative was in fact designed to shield Hubbard from legal process. See Declaration of Gerald Armstrong, J.A. 222; Declaration of Diana Sue Reisdorf-Voegeding, J.A. 396-98; Declaration of John Nelson, J.A. 202-03; see also documents at J.A. 22, 32-36, 237-40. Coupled with representations by Church officials about their inability to con-

¹⁴ We are thus not confronted with a sudden or precipitous action by the District Court, but to the contrary a carefully calibrated course of action designed to further the progress of prolonged litigation. Nor are we faced with a situation where an innocent client may have suffered by virtue of the actions or omissions of an attorney. See, e.g., *Shea v. Donohoe Constr. Co., supra*; *Butler v. Pearson*, 636 F.2d 526 (D.C. Cir. 1980); *Jackson v. Washington Monthly Co.*, 569 F.2d 119 (D.C. Cir. 1977).

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tact Hubbard, this evidence could reasonably be inter-
preted by the District Court as indicating that Hubbard
and the Church had structured their relationship to
frustrate the orderly process of discovery proceedings.

B

Dismissal, as we have had occasion to note, is "an ex-
tremely harsh sanction." *Trakas v. Quality Brands, Inc.*,
759 F.2d 185, 186 (D.C. Cir. 1985). Dismissal before
trial is, in many circumstances, "to be taken only after
unfruitful resort to lesser sanctions." *Jackson v. Wash-
ington Monthly Co.*, 569 F.2d 119, 123 (D.C. Cir. 1977).
The District Court nonetheless enjoys authority to im-
pose this sanction even where "a less drastic sanction
might have been entertained," *Automated Datatron, Inc.*,
supra, 659 F.2d at 1169. But in our view, it is unneces-
sary to embark upon a lengthy inquiry into possible al-
ternative sanctions under the circumstances here. No
monetary or other sanction imposed on Scientology held
out any realistic promise of overcoming the barrier Hub-
bard had chosen to erect between himself and the Church.
Nor would dismissal of a part of the suit or of the plead-
ings suffice. The conspiracy the appellees alleged goes
beyond the "unclean hands" defense as initially advanced
in the District Court; rather, the far-reaching conspiracy
as alleged by the Government goes to the very essence
of this lawsuit, providing, if true, the basis for law en-
forcement activities that Scientology has attacked as il-
legal.¹⁵ *See n.3, supra.*

¹⁵ Prior resort to lesser remedies is not in any event re-
quired regardless of the circumstances presented. Here, a
clear order of the court was issued only after the party
seeking discovery had been put to the test of demonstrating
a need for the deposition. We emphasize the importance in
our review of the care and deliberativeness evidenced by the
District Court in moving to invoke a sanction, expressly au-
thorized by the Rules, only after a crystal clear warning of
the sanction to be imposed had been provided.

To be sure, had defendants been able to secure the information they sought from a source other than Hubbard, the sanction of dismissal would have been less clearly appropriate. But that condition did not obtain here. Based upon the record before us, we agree with the District Court's conclusion that Hubbard himself was "uniquely situated to provide information" relevant to the actions of Scientology against the Government. J.A. at 475. We do well to remember that for most of the era—in the period up to 1978—with which this lawsuit is concerned, there can be no reasonable doubt that Hubbard was Scientology's managing agent. So long as this was the case, Hubbard was the one individual likely to be best informed about the role that the conspiracy (as chronicled in the documents from *United States v. Mary Sue Hubbard*) played in the Scientology organization. Under those circumstances, his deposition was of critical importance. His failure to comply with a clear directive of the District Court, an order accompanied by an express threat of dismissal, warranted the sanction imposed by the District Judge in the exercise of her sound discretion.

Affirmed.

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Mr. Randy L. Levine
Associate Deputy Attorney General
Room 4208
U.S. Department of Justice
Washington, D.C. 20530



U.S. Department of Justice
Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

October 7, 1986

MEMORANDUM

TO: David J. Anderson
Branch Director
Federal Programs Branch
Civil Division

FROM: Randy L. Levine
Associate Deputy Attorney General

SUBJECT: Church of Scientology

I enclose herewith the Scientology materials. Please prepare a draft response to the letter. Thank you.

Attachments

cc: Richard K. Willard

RLC



U.S. Department of Justice
Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

October 7, 1986

Lawrence S. Hoffheimer, Esquire
Noto, Oswald, Hoffheimer, Eisman & Miller
3050 K Street, N.W.
Washington, D.C. 20007

Dear Mr. Hoffheimer:

Thank you for your letter of October 6, 1986 and the attachments. We are in the process of reviewing your letter and the attachments, and will respond to you after we have carefully done so.

Sincerely,

A handwritten signature in dark ink, appearing to read "Randy L. Levine".

Randy L. Levine
Associate Deputy Attorney General

cc: Richard K. Willard
Steve Calabresi
David J. Anderson
Wallace Warfield

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October 6, 1986

Mr. Randy L. Levine
Associate Deputy Attorney General
Room 4208
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Levine:

This letter is in response to your request, made at our meeting of September 23, 1986, that we summarize our concerns regarding the state of affairs between the Church of Scientology and the Department of Justice, into one concise letter. We cite to herein, and attach herewith, several items which contain detailed information supporting our assertions. With the exception of the letters to Mr. Roger Olson, each accompanying item was presented to the Community Relations Service during the course of our deliberations with them. These are included so that you have a complete set of relevant information supporting this letter should you wish to delve into any particular detail.

Background and Overview

My client's basic contention is simply stated. When the book Dianetics, the Modern Science of Mental Health, written by the late L. Ron Hubbard, burst onto the American scene as an immediate best seller in 1950, it offered a practical, workable method to tackle and defeat psychosomatic ills while making individuals more happy and productive. They firmly believe that the popularity of this work was seen as a threat by vested interests in the psychiatric-medical establishment because it offered many non-psychiatric solutions to mental-health problems. This, they are further convinced, prompted the anti-Dianetics, then anti-Scientology, campaigns mentioned at our meeting.

It is the Church's view that vested interests opposed to Mr. Hubbard and his works, Dianetics, and the Scientology religion, created numerous false and derogatory documents which made their way into government agency files beginning in the early 1950s. These vested interests caused the same misinformation to be reported in the media, and these negative reports also found their way into agency files.

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The Church feels that to identify the nature of the vested interests, one has only to look at certain things which Mr. Hubbard criticized, and what the Scientology religious movement stands for, and picture those individuals and groups who are opposed to these positions:

* Mr. Hubbard vocally criticized and warned against communist infiltration of the American government and American society, including acts by pro-communist groups to undermine the U.S. Constitution.

* Mr. Hubbard bitterly criticized the psychiatric profession, calling such standard psychiatric practices as electro-shock, psychosurgery and massive drugging of mental patients, dangerous, harmful and in many cases criminal. Mr. Hubbard boldly reported that his Dianetic technique could undo much of the damage caused by radical psychiatric treatments. Mr. Hubbard was one of the first to criticize the use of psychiatrists in the courtroom and to call for an elimination of the insanity defense in criminal cases.

* Mr. Hubbard's Dianetics was widely reported to alleviate psychosomatic difficulties, and thus was seen as a direct financial threat to psychiatric-medical establishment interests.

* The Scientology religion promotes high ethical and moral standards, a strong family unit and basic traditional values which it believes will lead to a more stable and moral society.

* The Scientology religion is an active advocate for drug education and rehabilitation. Church members are prohibited from taking drugs, other than medicines prescribed by a competent medical doctor. Mr. Hubbard warned in the 1950s that the broad dissemination of mood-altering drugs by psychiatrists as commonplace "therapy" would lead to an explosion of drug abuse, both of illegal drugs and prescription drugs, in American society. This, unfortunately, has come to pass. To combat this phenomenon, popular and workable drug rehabilitation programs, using the works of Mr. Hubbard, have been started by Scientology Church members all over the world.

-3-

False Files

The Church has evidence which indicates that the derogatory government files relating to Mr. Hubbard and the Scientology religion grew and proliferated over the years. Numerous investigations and other government actions were taken against the Church and its members based on the negative, and false, image of the Scientology religion portrayed in these files. By the late 1960s, this information was being disseminated to countries all over the world in which Scientology Churches were active. These negative reports, boosted in credibility due to their U.S. government source, created a whole host of problems with foreign governments. This situation continues to this day, perhaps having taken on a life of its own. Rev. Stanard mentioned at the meeting as an example of this situation, that one Church-related group in Guatemala was denied licensing in 1982 and again in 1984 due to derogatory and false information supplied to its Washington, D.C. embassy by the Department of Justice. This is but one example; there are many others.

My clients believe that over the years these distortions and falsehoods, studied and accepted by various government employees in the course of their business, festered into active animus against the Scientology religion in certain quarters. This fostered further baseless investigations, an increase in the accumulation of inaccurate files, and even greater negative feelings against the Scientology religion. Attached as Tab A is the memorandum regarding this phenomenon earlier presented to the Community Relations Service staff. It covers this point in detail and gives actual examples of the kinds of documents which we find objectionable.

The Cost to the Government

One of the most serious aspects of this situation is the cost to both parties. Countless investigations, ultimately leading nowhere, have been initiated by various federal agencies since the 1950s, costing taxpayers millions in terms of expense and employee time wasted. The Church has documentation which shows that at least several hundred Federal investigations were conducted by U.S. government agencies since 1950 into various Scientology Churches and related organizations. Many such proceedings led to massive, complex litigation involving numerous lawyers, tens of thousands of man-hours, and costing millions of dollars.

-4-

An example of this is the massive litigation directed at expunging from government files false derogatory reports on the religion of Scientology. The Department of Justice has defended numerous complex and costly lawsuits brought by various Churches of Scientology under the Freedom of Information Act. Although the litigation was somewhat simplified by the false report correction class action suit filed in 1978 by all Churches of Scientology in the United States against nine government agencies, that litigation required a large team of Justice Department lawyers to defend. Furthermore, the recent D.C. Circuit affirmance of the 1985 dismissal of that suit on technical grounds may require that several new lawsuits be filed by various Churches and parishioners in order to ensure correction of false and inaccurate government files.

Another example is an unwarranted investigation originated in the offices of the Los Angeles IRS Criminal Investigations Division by agency employees known to be antagonistic toward the Church. Unable to make any kind of case, despite over a year of investigation by numerous agents, they have asked the Tax Division to undertake a grand jury investigation. This request is presently before the Tax Division. Counsel for two of the named targets, Gerald Feffer, has requested a conference with that office in order to demonstrate the frivolity of the criminal theory investigated and the discriminatory basis for the IRS actions. An informative summary of this investigation is contained in letters of January 22, February 7, and March 3, 1986 to Mr. Roger Olson, Assistant Attorney General, Tax Division, from Mr. Feffer (attached as Tab B). Because of the lack of basis for the investigation, the selective treatment being afforded to prominent Scientologists, and the attendant Constitutional problems inherent in such a probe, a grand jury alone could result in multitudinous litigation.

Ending the War

There is no doubt in our minds that certain members of the Department of Justice and the Internal Revenue Service are still clinging to the fact that certain members of the Church's Guardian's Office broke into government offices in the early '70s in search of documents. This concern has been expressed by government officials during the course of IRS negotiations between 1982 and 1984, and during the course of the Department of Justice civil litigation negotiations in 1983. We suspect that these concerns will be raised again.

-5-

We addressed this situation in a memorandum we delivered earlier to the Community Relations Service (see attached at Tab C). The Guardian's Office has been disbanded and its offending members have been forever banned from staff positions. We acknowledge that the acts of the former Guardian's Office staff were reprehensible. That is why current management saw to it that they could never happen again. It should be noted that the acts of the Guardian's Office members took place a decade ago. At some point, government officials must relinquish their ill-will toward an entire religion because of the acts of a misguided few with a long-ago completed hidden agenda. The Church is willing to forgive and forget what they perceive as over 30 years of consistent harassment by government agencies, including numerous recent and continuing acts of discrimination. Certainly the government can forgive and forget what they perceive as that which the Church had unjustly done to them ten years ago.

The Church seeks an end to the 36-year war between itself and U.S. government agencies. Scientologists are hard-working, dedicated people. They are no strangers to adversity and to hard-fought battles. The Church is certainly capable of escalating the war. However, the cost to the government and to the Church of continuing with dozens of existing and potential lawsuits over many future years is incalculable. The savings to both sides possible through negotiated settlement of our grievances are vast. Most important, though, is the fact that, when both sides examine the intentions and objectives of the other, there is simply no rational reason for the war to continue.

Additionally, there is growing unrest in the religious community regarding unequal treatment of religious groups by government agencies. In this regard, the experiences of the Scientology Church are carefully scrutinized by the leaders of the major U.S. denominations. History teaches them that what happens to the minority religions can, and often does, happen to the larger churches. We believe it is in the interests of the Department to be seen as sensitive to allegations of unequal treatment of a religious group by government employees.

Objectives

The Church would like to accomplish the following objectives through these negotiations which we believe would alleviate the long-standing tension and constant litigation between the Church, the Department of Justice, and other agencies:

-6-

1) A correction of the false and misleading documents and information in agency files. Something along the lines of the 1983 settlement agreement (copy of this was provided to you by the Community Relations Service) would go a long way toward accomplishing this. Such a settlement could be used as a model for effecting similar settlements with other federal agencies. Ideally, the Department would undertake a role in advising other federal agencies to amicably settle this problem with the Church. Such a settlement would moot countless years of future litigation on this issue.

2) An end to the discriminatory treatment currently being experienced from the Internal Revenue Service (see memorandum entitled "History of IRS Animus Towards the Church of Scientology" for details, attached as Tab D). The two present manifestations of this are the extraordinary delays on resolving the Church's exempt status, including past years and present applications (see memorandum entitled "Rationale as to the Tax Exempt Status of the Church of Scientology as a Religious Institution," attached as Tab E), and the pending request for grand jury currently in the hands of the Tax Division. We would like to expedite the settlement of all exemptions-related questions through dialogue with appropriate officials in order to negotiate a resolution of that matter.

3) An agreed-upon standard procedure for handling Church immigration matters and an end to the current and historical discriminatory treatment by the Immigration and Naturalization Service. As briefly discussed in our meeting of September 22, we are attempting to resolve this directly through the Commissioner's office. We will make every effort to handle this without senior Department of Justice level intervention. However, based on the Church's experience of two decades of prejudicial and arbitrary treatment by that agency, we may need to seek your assistance to see these talks through. (See memorandum regarding discriminatory treatment by Immigration and Naturalization Service attached as Tab F.)

4) The Church would like to establish a relationship with someone at a senior level in the Department whom it can contact in the event that similar problems arise in the future. Such a contact person would act as an alternative to litigation by giving us an opportunity to engage in meaningful dialogue to resolve any perceived problems.

-7-

We feel that it is important that someone very senior in the Department of Justice oversee the negotiations requested in steps 1 through 3 above. All previous attempts at resolving these long-standing difficulties short of litigation have met with hostility at one level or the other by the agencies involved.

In summary, we believe that our objectives are not unreasonable, and in fact are consistent with fair and equal treatment under the law and the Constitution. We also believe that the current state of tension, having continued unabated for over two decades, is an unnecessary drain on both the government and the Church which is counterproductive to both. We look forward to meeting you again in the very near future so that we may move forward toward a mutually satisfactory resolution of this matter.

Sincerely,


Lawrence S. Hoffheimer

Enclosures

LSH:slh

cc: David Anderson(w/o attachments)

Steve Calabresi(w/o attachments)

Wallace Warfield(w/o attachments)

Copy to
Bob Ginter
2) File

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February 3, 1987

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Dear Mr. Levine *Randy*

Please excuse the lateness of this response to your letter to me dated October 24, 1986. We too appreciated the opportunity to provide you and the Department of Justice with a better understanding of some of the Church of Scientology's difficulties with several federal agencies.

As you know, the problems experienced by the Church are diverse and long-standing. We are, therefore, cognizant of the practical realities and limitations you raised in your letter with respect to achieving a "global" settlement of those disputes through the Department of Justice. Nevertheless, these problems are substantial and continue to cause unwarranted injury to the Church and its followers here and abroad. Understandably, the Church remains firmly committed to solving these problems.

Your suggestion that the Church discuss its disagreements on an agency-by-agency basis with appropriate agency officials is well taken. We are encouraged that the Department shares our desire for a resolution of the Church's difficulties and by your willingness to maintain an open avenue for future communication. We hope that we may continue to call upon your office as a resource to identify such officials as the need arises, particularly in situations involving Department of Justice subcomponents.

The Church remains hopeful that progress is being made in its relations with the Government. However, in certain cases, the Church is unable to share your perception that what is at work is the ordinary case-by-case government decision-making

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process. Even a cursory examination of the numerous records obtained from the Government through the Freedom of Information Act and civil discovery demonstrate that Government officials have for many years treated the Church with considerably less objectivity than is required to achieve equal justice under the law.

Religious discrimination continues to be an element in adverse agency determinations involving Scientologists. Recent actions by officials of the Los Angeles District Office and Western Regional Adjudication Center of the Immigration and Naturalization Service (INS), for example, appear to be motivated by animus toward the Church and its parishioners, and a refusal to recognize the religious bona fides of the Scientology faith, despite a plethora of judicial and administrative precedent to the contrary. Notwithstanding this evidence of ongoing hostility, the Church has sought to work out its problems directly with the INS and avoid litigation. On November 14, 1986, Church representatives met with Richard Norton, Associate Commissioner for Examinations, INS. The Church viewed this conference as productive and an important first step in resolving its problems with this particular Department of Justice subcomponent.

The Church was disappointed by your response to its comprehensive proposals for correcting or expunging the inaccurate information that certain federal agencies continue to maintain in their files. Contrary to your characterization, this particular problem is by no means "academic." The continued maintenance of derogatory misinformation in agency files creates a clear and present danger that it will be relied upon and/or disseminated by Government employees, as has occurred with disturbing regularity in the past. Although the recent D.C. Circuit decision may be read to bar relitigation of past agency misconduct as alleged by the particular plaintiffs in that case, the Court's decision does not afford the defendant agencies license to engage in future misconduct.

In order to ensure that federal agencies do not again disseminate or otherwise rely on their inaccurate and derogatory records, it will be necessary for the Church to monitor the situation through the use of the Freedom of Information and Privacy Acts. In this regard, the Church


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concur with your recommendation that it closely examine the actions of the Department and other Government agencies before it decides to resort to the courts.

In the spirit of attempting to head off future litigation, the Church submits that the problem of false and inaccurate information might also be worked out to the mutual satisfaction of all parties on an agency-by-agency basis. I think such an approach has merit and is worthy of serious exploration. The administrative problems are not as great as they might seem. Certain agencies have very few records. Other agencies have no need for continued retention of their records and they may be subject to effective "expungement" pursuant to routine record disposition destruction schedules. In many cases, both the Church and the agency are knowledgeable as to the existence and location of the offending records. Moreover, the most egregious records are so far-fetched and obviously unsubstantiated that correction or at least clarification should not present any insurmountable administrative obstacles. I trust the Department would approve of, or at least have no objection to, such efforts by the Church to resolve this important problem directly with the appropriate officials of certain agencies.

Thank you for your personal attention to these matters. It is our sincere belief that this sort of a dialogue can greatly facilitate the dispute resolution process between the Church and the Government. I look forward to speaking with you again in the near future.

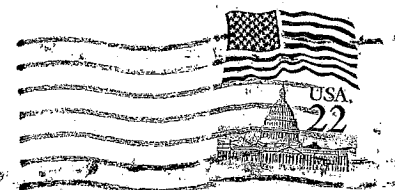
Sincerely,



Lawrence S. Hoffheimer

LSH:slh

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WASHINGTON HARBOUR
3050 K STREET, N. W., SUITE 310
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Randy L. Levine, Esq.
Associate Deputy Attorney General
Office of the Deputy Attorney General
Room 4208
U.S. Department of Justice
Washington, D.C. 20530



U.S. Department of Justice
Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

October 24, 1986

Lawrence S. Hoffheimer, Esq.
Law Offices of Noto, Oswald,
Hoffheimer, Eisman & Miller
3050 K Street, N.W.
Washington, D.C. 20007

Dear Mr. Hoffheimer:

I very much appreciated the opportunity to meet with you and your clients last month. Thank you as well for your October 6 follow-up letter. Those contacts have given me a better understanding of Scientology's perceptions of its problems with the government. I also appreciate your desire for a resolution of the organization's difficulties with several agencies, a desire we here at the Department of Justice share.

Having said all that, I am afraid that your proposal for some kind of global settlement of these perceived problems does not take into account various practical realities. First among these is that neither the U.S. government as a whole, nor the Department of Justice, are monoliths. The Department has no authority to control the decisions and actions of other agencies of government, such as the Internal Revenue Service or the Department of State. It is true that when a matter reaches the litigation stage the Department of Justice has a key role. But that role is a sharply circumscribed one that does not normally permit us to interfere in the agency's underlying programs and policies. Similarly, while the Attorney General, of course, has overall supervision and control of the components of the Justice Department, the day to day work of enforcing federal laws and regulations falls to the officials of those components.

I have seen no evidence of any ongoing hostility to Scientology per se, nor do I believe that any such bias exists in any government agency. I certainly know that is the case in the Department of Justice. Rather, what is at work here is the ordinary case-by-case government decision making process. I can understand that your clients may disagree with some of these decisions. I hope you will continue to discuss such disagreements with appropriate officials in the relevant agencies. Many of these problems may be amenable to resolution in that way. However, where a decision is ultimately adverse, we

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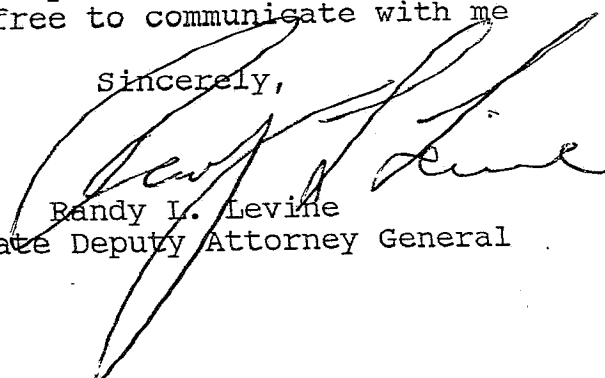
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Your suggestion for dealing with what your clients perceive as inaccurate information in government files is also not one that we can accept. As a practical matter, your clients have no appreciation for the resources that would have to be extended even to search these files, let alone make determinations as to the truth or falsity of information in them. As a legal matter, we not surprisingly adhere to the position we took in the litigation -- that there is no obligation to take any such action. Of course, this whole matter of file searches and corrections is now academic. The issue has been resolved by the litigation that recently culminated in a D.C. Circuit decision adverse to your clients. Having been vindicated in the courts, albeit on an ancillary issue, I see no basis for now doing what the government argued for several years it did not legally have to do. Your intimation of possible future litigation on these issues is very troubling. The D.C. Circuit decision is a final decision on the merits that binds the Church.

I regret that I cannot be more positive about the proposals you have made. At the same time, I want to assure you that there is no anti-Scientology bias in this Department and that we are determined that all matters involving your clients will be decided on the merits. While these assurances are obviously less than the Church's officials had hoped to achieve in their approach to the Attorney General, I hope they will closely examine the actions of the Department and other government agencies in light of the representations made in this letter before they decide on further resort to the courts.

Again, thank you for the opportunity to hear you out on your clients' concerns. Please feel free to communicate with me at any time.

Sincerely,


Randy L. Levine
Associate Deputy Attorney General

ROUTING AND TRANSMITTAL SLIP		Date	
		10/20/86	
TO: (Name, office symbol, room number; building, Agency/Post)		Initials	Date
1. Robert Gynkar		RJC	10/20
2. Randy Levine			
3.			
4.			
5.			
Action	File	Note and Return	
Approval	For Clearance	Per Conversation	
As Requested	For Correction	Prepare Reply	
Circulate	For Your Information	See Me	
Comment	Investigate	Signature	
Coordination	Justify		

REMARKS

Pursuant to your request, attached is the proposed response to Mr. Hoffheimer.

Attachment

DO NOT
K. [unclear]

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	3643 - Main
David Anderson	Phone No.
	633-3354

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U.S. Department of Justice

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Lawrence S. Hoffheimer, Esq.
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- 4 -

Again, thank you for the opportunity to hear you out on
your clients' concerns. *Please feel free to communicate
with me at any time.*

~~Very truly yours,~~
Sincerely,

Randy L. Levine
Associate Deputy Attorney General

LAW OFFICES

NOTO, OSWALD, HOFFHEIMER, EISMAN & MILLER

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LEGISLATIVE DIRECTOR
ANTHONY J. RAYMOND •

ECONOMIST
CAROLYN A. EMIGH •

• NOT MEMBERS OF THE BAR

October 6, 1986

Mr. Randy L. Levine
Associate Deputy Attorney General
Room 4208
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Levine:

This letter is in response to your request, made at our meeting of September 23, 1986, that we summarize our concerns regarding the state of affairs between the Church of Scientology and the Department of Justice, into one concise letter. We cite to herein, and attach herewith, several items which contain detailed information supporting our assertions. With the exception of the letters to Mr. Roger Olson, each accompanying item was presented to the Community Relations Service during the course of our deliberations with them. These are included so that you have a complete set of relevant information supporting this letter should you wish to delve into any particular detail.

Background and Overview

My client's basic contention is simply stated. When the book Dianetics, the Modern Science of Mental Health, written by the late L. Ron Hubbard, burst onto the American scene as an immediate best seller in 1950, it offered a practical, workable method to tackle and defeat psychosomatic ills while making individuals more happy and productive. They firmly believe that the popularity of this work was seen as a threat by vested interests in the psychiatric-medical establishment because it offered many non-psychiatric solutions to mental-health problems. This, they are further convinced, prompted the anti-Dianetics, then anti-Scientology, campaigns mentioned at our meeting.

It is the Church's view that vested interests opposed to Mr. Hubbard and his works, Dianetics, and the Scientology religion, created numerous false and derogatory documents which made their way into government agency files beginning in the early 1950s. These vested interests caused the same misinformation to be reported in the media, and these negative reports also found their way into agency files.

-2-

The Church feels that to identify the nature of the vested interests, one has only to look at certain things which Mr. Hubbard criticized, and what the Scientology religious movement stands for, and picture those individuals and groups who are opposed to these positions:

* Mr. Hubbard vocally criticized and warned against communist infiltration of the American government and American society, including acts by pro-communist groups to undermine the U.S. Constitution.

* Mr. Hubbard bitterly criticized the psychiatric profession, calling such standard psychiatric practices as electro-shock, psychosurgery and massive drugging of mental patients, dangerous, harmful and in many cases criminal. Mr. Hubbard boldly reported that his Dianetic technique could undo much of the damage caused by radical psychiatric treatments. Mr. Hubbard was one of the first to criticize the use of psychiatrists in the courtroom and to call for an elimination of the insanity defense in criminal cases.

* Mr. Hubbard's Dianetics was widely reported to alleviate psychosomatic difficulties, and thus was seen as a direct financial threat to psychiatric-medical establishment interests.

* The Scientology religion promotes high ethical and moral standards, a strong family unit and basic traditional values which it believes will lead to a more stable and moral society.

* The Scientology religion is an active advocate for drug education and rehabilitation. Church members are prohibited from taking drugs, other than medicines prescribed by a competent medical doctor. Mr. Hubbard warned in the 1950s that the broad dissemination of mood-altering drugs by psychiatrists as commonplace "therapy" would lead to an explosion of drug abuse, both of illegal drugs and prescription drugs, in American society. This, unfortunately, has come to pass. To combat this phenomenon, popular and workable drug rehabilitation programs, using the works of Mr. Hubbard, have been started by Scientology Church members all over the world.

-3-

False Files

The Church has evidence which indicates that the derogatory government files relating to Mr. Hubbard and the Scientology religion grew and proliferated over the years. Numerous investigations and other government actions were taken against the Church and its members based on the negative, and false, image of the Scientology religion portrayed in these files. By the late 1960s, this information was being disseminated to countries all over the world in which Scientology Churches were active. These negative reports, boosted in credibility due to their U.S. government source, created a whole host of problems with foreign governments. This situation continues to this day, perhaps having taken on a life of its own. Rev. Stanard mentioned at the meeting as an example of this situation, that one Church-related group in Guatemala was denied licensing in 1982 and again in 1984 due to derogatory and false information supplied to its Washington, D.C. embassy by the Department of Justice. This is but one example; there are many others.

My clients believe that over the years these distortions and falsehoods, studied and accepted by various government employees in the course of their business, festered into active animus against the Scientology religion in certain quarters. This fostered further baseless investigations, an increase in the accumulation of inaccurate files, and even greater negative feelings against the Scientology religion. Attached as Tab A is the memorandum regarding this phenomenon earlier presented to the Community Relations Service staff. It covers this point in detail and gives actual examples of the kinds of documents which we find objectionable.

The Cost to the Government

One of the most serious aspects of this situation is the cost to both parties. Countless investigations, ultimately leading nowhere, have been initiated by various federal agencies since the 1950s, costing taxpayers millions in terms of expense and employee time wasted. The Church has documentation which shows that at least several hundred Federal investigations were conducted by U.S. government agencies since 1950 into various Scientology Churches and related organizations. Many such proceedings led to massive, complex litigation involving numerous lawyers, tens of thousands of man-hours, and costing millions of dollars.

-4-

An example of this is the massive litigation directed at expunging from government files false derogatory reports on the religion of Scientology. The Department of Justice has defended numerous complex and costly lawsuits brought by various Churches of Scientology under the Freedom of Information Act. Although the litigation was somewhat simplified by the false report correction class action suit filed in 1978 by all Churches of Scientology in the United States against nine government agencies, that litigation required a large team of Justice Department lawyers to defend. Furthermore, the recent D.C. Circuit affirmation of the 1985 dismissal of that suit on technical grounds may require that several new lawsuits be filed by various Churches and parishioners in order to ensure correction of false and inaccurate government files.

Another example is an unwarranted investigation originated in the offices of the Los Angeles IRS Criminal Investigations Division by agency employees known to be antagonistic toward the Church. Unable to make any kind of case, despite over a year of investigation by numerous agents, they have asked the Tax Division to undertake a grand jury investigation. This request is presently before the Tax Division. Counsel for two of the named targets, Gerald Feffer, has requested a conference with that office in order to demonstrate the frivolity of the criminal theory investigated and the discriminatory basis for the IRS actions. An informative summary of this investigation is contained in letters of January 22, February 7, and March 3, 1986 to Mr. Roger Olson, Assistant Attorney General, Tax Division, from Mr. Feffer (attached as Tab B). Because of the lack of basis for the investigation, the selective treatment being afforded to prominent Scientologists, and the attendant Constitutional problems inherent in such a probe, a grand jury alone could result in multitudinous litigation.

Ending the War

There is no doubt in our minds that certain members of the Department of Justice and the Internal Revenue Service are still clinging to the fact that certain members of the Church's Guardian's Office broke into government offices in the early '70s in search of documents. This concern has been expressed by government officials during the course of IRS negotiations between 1982 and 1984, and during the course of the Department of Justice civil litigation negotiations in 1983. We suspect that these concerns will be raised again.

-5-

We addressed this situation in a memorandum we delivered earlier to the Community Relations Service (see attached at Tab C). The Guardian's Office has been disbanded and its offending members have been forever banned from staff positions. We acknowledge that the acts of the former Guardian's Office staff were reprehensible. That is why current management saw to it that they could never happen again. It should be noted that the acts of the Guardian's Office members took place a decade ago. At some point, government officials must relinquish their ill-will toward an entire religion because of the acts of a misguided few with a long-ago completed hidden agenda. The Church is willing to forgive and forget what they perceive as over 30 years of consistent harassment by government agencies, including numerous recent and continuing acts of discrimination. Certainly the government can forgive and forget what they perceive as that which the Church had unjustly done to them ten years ago.

The Church seeks an end to the 36-year war between itself and U.S. government agencies. Scientologists are hard-working, dedicated people. They are no strangers to adversity and to hard-fought battles. The Church is certainly capable of escalating the war. However, the cost to the government and to the Church of continuing with dozens of existing and potential lawsuits over many future years is incalculable. The savings to both sides possible through negotiated settlement of our grievances are vast. Most important, though, is the fact that, when both sides examine the intentions and objectives of the other, there is simply no rational reason for the war to continue.

Additionally, there is growing unrest in the religious community regarding unequal treatment of religious groups by government agencies. In this regard, the experiences of the Scientology Church are carefully scrutinized by the leaders of the major U.S. denominations. History teaches them that what happens to the minority religions can, and often does, happen to the larger churches. We believe it is in the interests of the Department to be seen as sensitive to allegations of unequal treatment of a religious group by government employees.

Objectives

The Church would like to accomplish the following objectives through these negotiations which we believe would alleviate the long-standing tension and constant litigation between the Church, the Department of Justice, and other agencies:

-6-

1) A correction of the false and misleading documents and information in agency files. Something along the lines of the 1983 settlement agreement (copy of this was provided to you by the Community Relations Service) would go a long way toward accomplishing this. Such a settlement could be used as a model for effecting similar settlements with other federal agencies. Ideally, the Department would undertake a role in advising other federal agencies to amicably settle this problem with the Church. Such a settlement would moot countless years of future litigation on this issue.

2) An end to the discriminatory treatment currently being experienced from the Internal Revenue Service (see memorandum entitled "History of IRS Animus Towards the Church of Scientology" for details, attached as Tab D). The two present manifestations of this are the extraordinary delays on resolving the Church's exempt status, including past years and present applications (see memorandum entitled "Rationale as to the Tax Exempt Status of the Church of Scientology as a Religious Institution," attached as Tab E), and the pending request for grand jury currently in the hands of the Tax Division. We would like to expedite the settlement of all exemptions-related questions through dialogue with appropriate officials in order to negotiate a resolution of that matter.

3) An agreed-upon standard procedure for handling Church immigration matters and an end to the current and historical discriminatory treatment by the Immigration and Naturalization Service. As briefly discussed in our meeting of September 22, we are attempting to resolve this directly through the Commissioner's office. We will make every effort to handle this without senior Department of Justice level intervention. However, based on the Church's experience of two decades of prejudicial and arbitrary treatment by that agency, we may need to seek your assistance to see these talks through. (See memorandum regarding discriminatory treatment by Immigration and Naturalization Service attached as Tab F.)

4) The Church would like to establish a relationship with someone at a senior level in the Department whom it can contact in the event that similar problems arise in the future. Such a contact person would act as an alternative to litigation by giving us an opportunity to engage in meaningful dialogue to resolve any perceived problems.

-7-

We feel that it is important that someone very senior in the Department of Justice oversee the negotiations requested in steps 1 through 3 above. All previous attempts at resolving these long-standing difficulties short of litigation have met with hostility at one level or the other by the agencies involved.

In summary, we believe that our objectives are not unreasonable, and in fact are consistent with fair and equal treatment under the law and the Constitution. We also believe that the current state of tension, having continued unabated for over two decades, is an unnecessary drain on both the government and the Church which is counterproductive to both. We look forward to meeting you again in the very near future so that we may move forward toward a mutually satisfactory resolution of this matter.

Sincerely,


Lawrence S. Hoffheimer

Enclosures

LSH:slh

cc: David Anderson(w/o attachments)

Steve Calabresi(w/o attachments)

Wallace Warfield(w/o attachments)



U.S. Department of Justice

Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

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U.S. Department of Justice
Office of the Deputy Attorney General

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Associate Deputy Attorney General



U.S. Department of Justice

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Lawrence S. Hoffheimer, Esq.
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Washington, D.C. 20007

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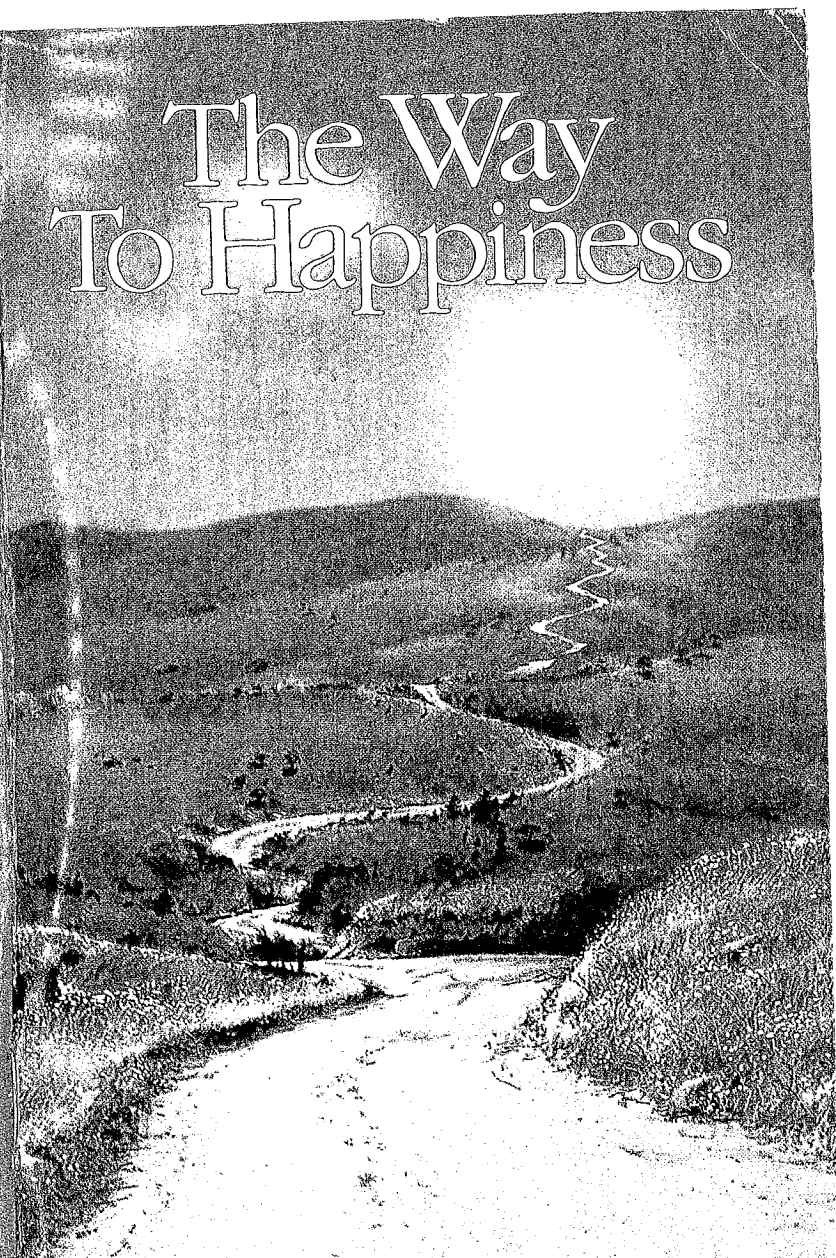
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The Way To Happiness

More copies of this book may be obtained
from:

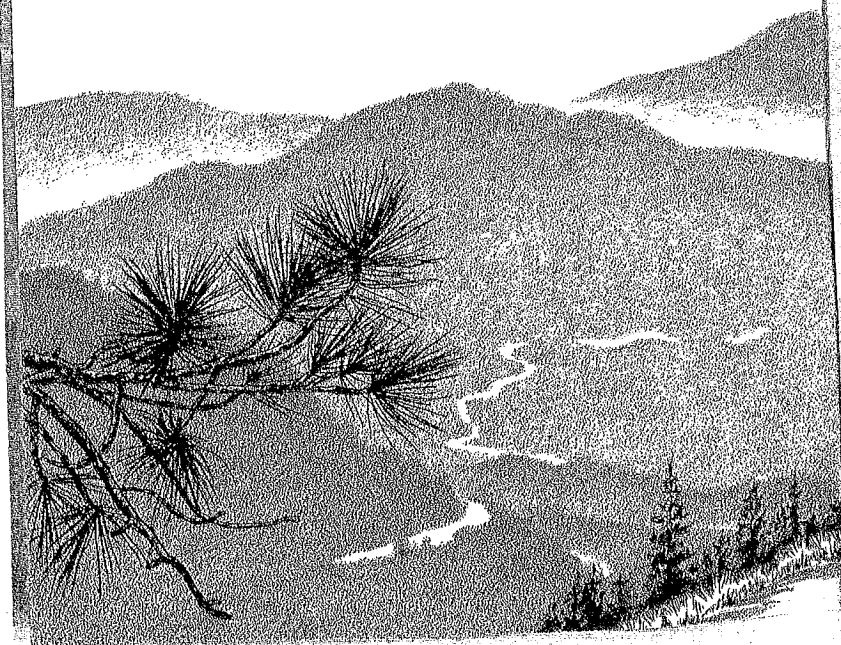
This may be the first nonreligious moral code based wholly on common sense. It was written by L. Ron Hubbard as an individual work and is not part of any religious doctrine. Any reprinting or individual distribution of it does not interfere with or sponsorship of any religious organization. It is therefore admissible for government departments and employees to distribute it as a nonreligious activity. (Reprinting can be arranged with the copyright owner or his personal representatives.)
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How to Use This Book



You, of course, wish to help your contacts and friends.

Choose someone whose actions, however remotely, may influence your own survival.

Write the person's name on the top line of the front cover.

Write or stamp your own name, as an individual, on the second line of the cover.

Present the person with the book.

Ask the person to read it.⁰

You will find that he or she also is

⁰ Words sometimes have several different meanings. The footnote definitions given in this book only give the meaning that the word has as it is used in the text. If you find any words in this book you do not know, look them up in a good dictionary. If you do not, then misunderstandings and possible arguments can arise.

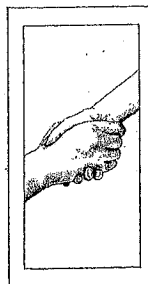
threatened with the possible misconduct of others.

Give the person several additional copies of this book but do not write your name on them; let the other person write his or hers. Have the person present these copies to others that are involved in his or her life.

By continuing to do this you will greatly enhance your own survival potential and theirs.

This is a way toward a much safer and happier life for you and others.

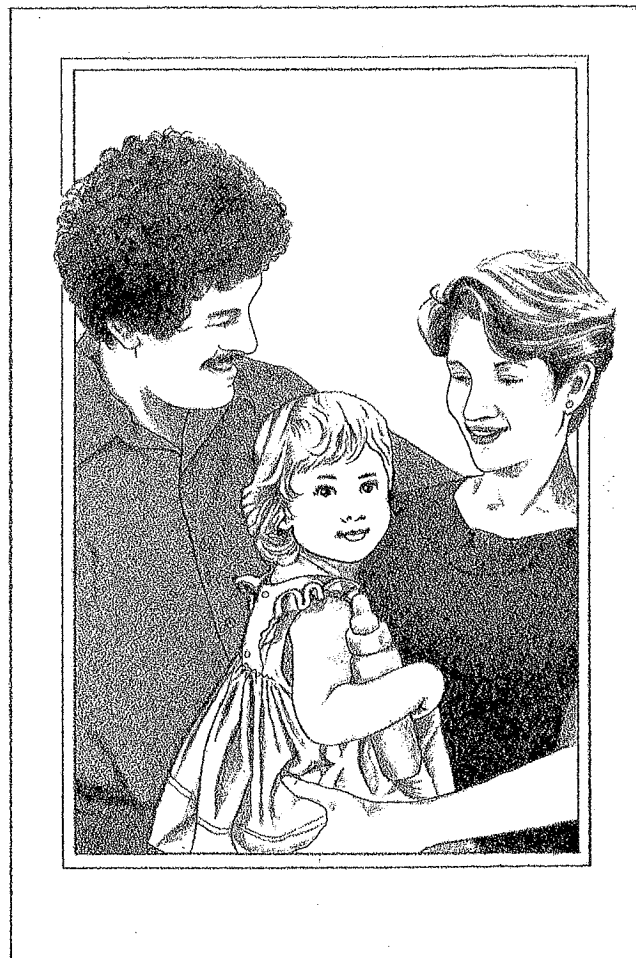
Why I Gave You This Book



Your
survival¹
is
important
to
me.

1. Survival: The act of remaining alive, of continuing to exist, of being alive.

Happiness²



True joy and happiness are valuable.

If one does not survive, no joy and no happiness are obtainable.

Trying to survive in a chaotic,³ dishonest and generally immoral⁴ society is difficult.

Any individual or group seeks to obtain from life what pleasure and freedom from pain that he or they can.

Your own survival can be threatened by the bad actions of others around you.

2. Happiness: A condition or state of well-being, contentment, pleasure; joyful, cheerful, untroubled existence; the reaction to having nice things happen to one.

3. Chaotic: Having the character or nature of total disorder or confusion.

4. Immoral: Not moral; not following good practices of behavior; not doing right; lacking any idea of proper conduct.

Your own happiness can be turned to tragedy and sorrow by the dishonesty and misconduct of others.

I am sure you can think of instances of this actually happening. Such wrongs reduce one's survival and impair one's happiness.

You are important to other people. You are listened to. You can influence others.

The happiness or unhappiness of others you could name is important to you.

Without too much trouble, using this book, you can help them survive and lead happier lives.

While no one can guarantee that anyone else can be happy, their chances of survival and happiness can be improved. And with theirs, yours will be.

It is in your power to point the way to a less dangerous and happier life.

1

Take Care of Yourself.



1-1. Get care when you are

ill. When they are ill, even with communicable diseases, people often do not isolate themselves or seek proper treatment. This, as you can easily see, tends to put you at risk. Insist that when someone is ill that he or she

takes the proper precautions and gets proper care.

1-2. Keep your body clean.

People who do not bathe or wash their hands regularly can carry germs. They put you at risk. You are well within your rights to insist that people bathe regularly and wash their hands. It is inevitable that one gets dirty working or exercising. Get them to clean up afterwards.

1-3. Preserve your teeth. If one brushed one's teeth after every meal, it has been said that one would not suffer tooth decay. This, or chewing gum after each meal, goes far toward defending others from oral diseases and bad breath. Suggest to others that they preserve their teeth.

1-4. Eat properly. People who do not eat properly are not of much help to you or themselves. They tend to have a low energy level. They are sometimes ill-tempered. They become ill more easily. It doesn't require strange diets to eat properly but it does require that one eat nourishing food regularly.

1-5. Get rest. Although many times in life one has to work beyond normal sleep periods, a person's general failure to get proper rest can make him or her a burden to others. Tired people are not alert. They can make mistakes. They have accidents. Just when you need them they can dump the whole workload on one. They put others at risk. Insist that people who do not get proper rest do so.

Be Temperate.⁵



2-1. Do not take harmful drugs. People who take drugs do not always see the real world in front of them. They are not really *there*. On a highway, in casual contact, in a home, they can be very dangerous to you. People mistakenly believe they "feel better" or "act better" or are "only happy" when on drugs. This is just another delusion. Sooner or later the drugs will destroy them physically. Discourage people from taking drugs. When they are doing so, encourage them to seek help in getting off them.

2-2. Do not take alcohol to excess. People who take alcohol are not alert. It impairs their ability to react even

⁵. Temperate: Not going to extremes; not overdoing things; controlling one's cravings.

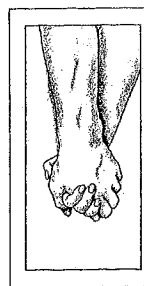


when it seems to them they are more alert because of it. Alcohol has some medicinal value. It can be grossly overestimated. Don't let anyone who has been drinking drive you in a car or fly you in a plane. Drinking can take lives in more ways than one. A little liquor goes a long way; don't let too much of it wind up in unhappiness or death. Deter⁶ people from excessive drinking.

**Observing the points above,
one becomes more
physically able to enjoy life.**

6. Deter: To prevent or discourage.

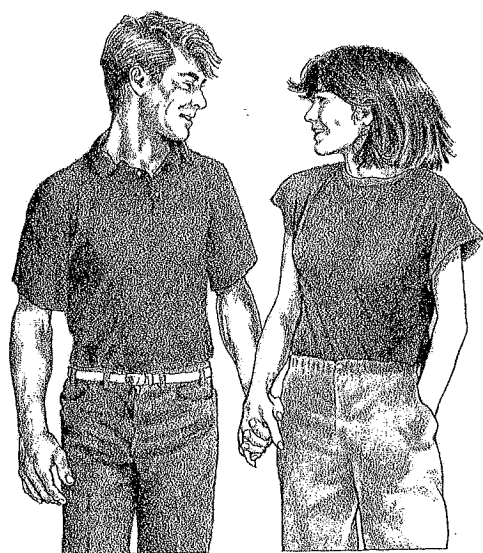
Don't Be Promiscuous.⁷



Sex is the means by which the race projects itself into the future through children and the family. A lot of pleasure and happiness can come from sex: nature intended it that way so the race would go on. But, misused or abused, it carries with it heavy penalties and punishments: nature seems to have intended it that way also.

3-1. Be faithful to your sexual partner. Unfaithfulness on the part of a sexual partner can heavily reduce one's survival. History and the newspapers carry floods of instances of the violence of human passions aroused by unfaithfulness. "Guilt" is the milder evil. Jealousy and vengeance are the greater monsters: one never knows when

7. Promiscuous: Casual, random sexual relations.



they will cease to sleep. It is all very well to speak of "being civilized" and "uninhibited" and "understanding"; no talk will mend ruined lives. A "feeling of guilt" is nowhere near as sharp as a knife in the back or ground glass in the soup.

Additionally, there is the question of health. If you do not insist upon faithfulness from a sexual partner, you lay yourself open to disease. For a very brief period, it was said that sexual diseases were all under control. This is not now the case, if

it ever was. Incurable strains of such diseases now exist.

The problems of sexual misbehavior are not new. The powerful religion of Buddhism in India vanished from there in the seventh century. According to its own historians the cause was sexual promiscuity in its monasteries. More modernly, when sexual promiscuity becomes prevalent in an organization, commercial or otherwise, the organization can be seen to fail. No matter how civilized their discussions about it, families shatter in the face of unfaithfulness.

The urge of the moment can become the sorrow of a lifetime. Impress those around you with that and safeguard your own health and pleasure.



Sex is a big step on the way to happiness and joy. There is nothing wrong with it if it is followed with faithfulness and decency.

Love and Help Children.



Today's children will become tomorrow's civilization. Bringing a child into the world today is a little bit like dropping one into a tiger's cage. Children can't handle their environment⁸ and they have no real resources. They need love and help to make it.

It is a delicate problem to discuss. There are almost as many theories on how to raise a child or not raise him as there are parents. Yet if one does it incorrectly much grief can result and one may even complicate his or her own later years. Some try to raise children the way they were themselves raised, others attempt the exact opposite, many hold to an idea that children should just be let grow on their own.

8. Environment: One's surroundings; the material things around one; the area one lives in; the living things, objects, spaces and forces with which one lives whether close to or far away.



None of these guarantee success. The last method is based on a materialistic⁹ idea that the development of the child parallels the

9. Materialistic: The opinion that only physical matter exists.

evolutionary¹⁰ history of the race; that in some magical way, unexplained, the "nerves" of the child will "ripen" as he or she grows older and the result will be a moral, well-behaving adult. Although the theory is disproven with ease—simply by noticing the large criminal population whose nerves somehow did not ripen—it is a lazy way to raise children and achieves some popularity. It doesn't take care of your civilization's future or your older years.

A child is a little bit like a blank slate. If you write the wrong things on it, it will say the wrong things. But, unlike a slate, a child can begin to do the writing: the child tends to write what has been written already. The problem is complicated by the fact that, while most children are capable of great decency, a few are born insane and today, some are even born as drug addicts: but such cases are an unusual few.

It does no good just to try to "buy" the child with an overwhelm of toys and possessions or to smother and protect the child: the result can be pretty awful.

10. Evolutionary: Related to a very ancient theory that all plants and animals developed from simpler forms and were shaped by their surroundings rather than being planned or created.



The Way to Happiness Book- mark

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copies of
The Way to Happiness
please see order
card at page 81
of the booklet.

to make up his mind
at the child to become.
veral things: a) what
become due to
potential; b) what the
wants to become; c)
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It does no "buy" the child with ar and possessions or to the child: the result ca

10. Evolutionary: Re and animals develop their surroundings r

*One can feel
at times like a
spinning leaf
blown along a
dirty street,
one can feel
like a grain of
sand stuck in
one place. But
nobody has
said that life
was a calm
and orderly
thing; it isn't.
One isn't a
tattered leaf
nor a grain of
sand: one can,
to a greater or
lesser degree,
draw his road
map and
follow it.*

One has to make up his mind what he is trying to get the child to become. This is modified by several things: a) what the child basically *can* become due to inherent makeup and potential; b) what the child, himself, really wants to become; c) what one wants the child to become; d) the resources available. But remember that whatever these all add up to, the child will *not* survive well unless he or she eventually becomes self-reliant and *very* moral.¹¹ Otherwise the end product is likely to be a liability to everyone including the child.

Whatever is one's affection for the child, remember that the child cannot survive well in the long run if he or she does not have his or her feet put on the way to survival. It will be no accident if the child goes wrong: the contemporary society is tailor-made for a child's failure.

It will help enormously if you obtain a child's understanding of and agreement to follow the precepts¹² contained in this book.

What does have a workability is simply to try to be the child's friend. It is

11. Moral: Able to know right from wrong in conduct, deciding and acting from that understanding.

12. Precepts: Rules or statements advising or laying down a principle or principles or a course of action regarding conduct; directions meant as a rule or rules for conduct.

certainly true that a child needs friends. Try to find out what a child's problem really is and without crushing their own solutions, try to help solve them. Observe them—and this applies even to babies. Listen to what children tell you about their lives. Let *them* help—if you don't, they become overwhelmed with a sense of obligation¹³ which they then must repress.

It will help the child enormously if you obtain understanding of and agreement to this way to happiness and get him or her to follow it. It could have an enormous effect on the child's survival—and yours.

A child factually does not do well without love. Most children have an abundance of it to return.



The way to happiness has on its route the loving and the helping of children from babyhood to the brink of adult life.

13. Obligation: The condition or fact of owing another something in return for things, favors or services received.

Honor¹⁴ and Help Your Parents.



From a child's point of view, parents are sometimes hard to understand.

There are differences between generations. But truthfully, this is no barrier. When one is weak, it is a temptation to take refuge in subterfuges and lies: it is this which builds the wall.

Children *can* reconcile their differences with their parents. Before any shouting begins, one can at least try to talk it over quietly. If the child is frank and honest, there cannot help but be an appeal that will reach. It is often possible to attain a compromise¹⁵ where both sides now understand and can agree. It is not always

14. Honor: To show respect for; to treat with deference and courtesy.

15. Compromise: A settlement of differences in which each side gives in on some point while retaining others and reaching a mutual agreement thereby.

easy to get along with others but one should try.

One cannot overlook the fact that almost always, parents are acting from a very strong desire to do what they believe to be best for the child.

Children are indebted to their parents for their upbringing—if the parents did so. While some parents are so fiercely independent that they will accept no return on the obligation, it is nevertheless true that there often comes a time when it is the turn of the younger generation to care for their parents.

In spite of all, one must remember that they are the only parents one has. And as such, no matter what, one should honor them and help them.

The way to happiness includes being on good terms with one's parents or those who brought one up.

Set a Good Example.¹⁶



There are many people one influences.¹⁷ The influence¹⁸ can be good or it can be bad.

If one conducts his life to keep these recommendations, one is setting a good example.

Others around one cannot help but be influenced by this, no matter what they say.

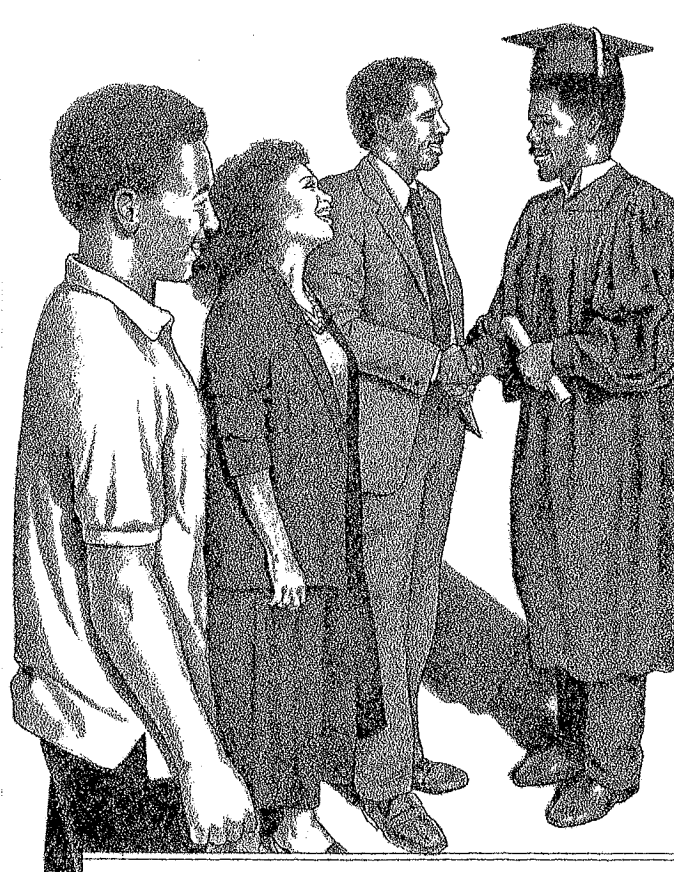
Anyone trying to discourage you is trying to do so because they factually mean you harm or are seeking to serve their own ends. Down deep, they will respect you.

Your own survival chances will be bettered in the long run since others,

16. Example: Someone or something worthy of imitation or duplication; a pattern, a model.

17. Influences: Has an effect upon.

18. Influence: The resulting effect.



influenced, will become less of a threat.
There are other benefits.

Don't discount the effect you can
achieve on others simply by mentioning
these things and setting a good example in
your own right.

**The way to happiness
requires that one set a good
example for others.**

Seek to Live With the Truth.¹⁹



False data can cause one to make stupid mistakes. It can even block one from absorbing true data.

One can solve the problems of existence only when he has true data.

If those around one lie to him or her, one is lead into making errors and his survival potential is reduced.

False data can come from many sources: academic, social, professional.

Many want you to believe things just to suit their own ends.

What is *true* is what is true for *you*.

19. Truth: That which agrees with the facts and observations; logical answers resulting from looking over all the facts and data; a conclusion based on evidence uninfluenced by desire, authority or prejudice; an inevitable (unavoidable) fact no matter how arrived at.

No one has any right to force data on you and command you to believe it or else. If it is not true for you, it isn't true.

Think your own way through things, accept what is true for you, discard the rest. There is nothing unhappier than one who tries to live in a chaos of lies.

7-1. Do not tell harmful lies.²⁰

Harmful lies are the product of fear, malice and envy. They can drive people to acts of desperation. They can ruin lives. They create a kind of trap into which the teller and the target can both fall. Interpersonal and social chaos can result. Many wars began because of harmful lies.

One should learn to detect them and reject them.

7-2. Do not bear false witness.

There are considerable penalties connected with swearing or testifying to untrue "facts." It is called "perjury": it has heavy penalties.

The way to happiness lies along the road to truth.

20. Lies: False statements or pieces of information deliberately presented as being true; a falsehood; anything meant to deceive or give a wrong impression.

Do Not Murder.²¹



Most races, from the most ancient times to the present, have prohibited murder and punished it heavily. Sometimes this has been broadened to say, "Thou shalt not kill," when a later translation of the same work has found it to read "Thou shalt not murder."

There is a considerable difference between these two words *kill* and *murder*. A prohibition against all killing would rule out self-defense; it would tend to make it illegal to handle a serpent coiling to strike the baby; it would put a race on a diet of vegetables. I am sure you can see many illustrations of the difficulties raised by a prohibition against all killing.

21. Murder: The unlawful killing of one (or more) human being(s) by another, especially with malice aforethought (intending to do so before the act).

"Murder" is another thing entirely. By definition it means, "The unlawful killing of one (or more) human being(s) by another, especially with malice aforethought." One can easily see that in this age of violent weaponry, murder would be all too easy. One could not exist in a society where oneself or one's family or friends were at the mercy of some who went about casually taking lives.

Murder justly bears the highest priority in social prevention and retaliation.

The stupid, the evil and the insane seek to solve their real or imagined problems with murder. And they have been known to do it for no reason at all.

Get behind any demonstrably effective program that handles this threat to mankind and push. Your own survival could depend upon it.

The way to happiness does not include murdering your friends, your family, or yourself being murdered.

Don't Do Anything Illegal.



"Illegal acts" are those which are prohibited by official rules or law. They are the product of rulers, legislative bodies and judges. They are usually written down in law codes. In a well-ordered society, these are published and made known generally. In a cloudy—and often crime-ridden—society one has to consult an attorney or be specially trained to know them all; such a society will tell one that "ignorance is no excuse for breaking the law."

Any member of society, however, has a responsibility, whether young or old, for knowing what that society considers to be an "illegal act." People can be asked, libraries exist where they can be looked up.

An "illegal act" is not disobedience to some casual order like "go to bed." It is an action which, if done, can result in punishment by the courts and state: being pilloried²² by the state propaganda²³ machine, being fined and even by being imprisoned.

When one does something illegal, small or large, one is laid open to an attack by the state. It does not matter whether one is caught or not, when one does an illegal act, one has weakened one's defenses.

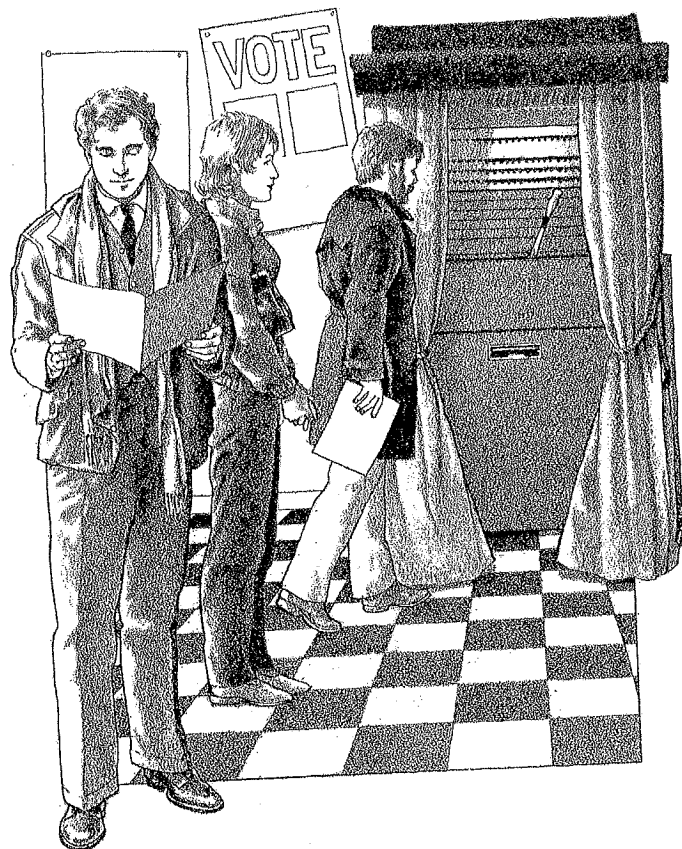
Almost any worthwhile thing one is trying to accomplish often can be done in perfectly legal ways. The "illegal" route is a dangerous and time-wasting shortcut. Imagined "advantages" in committing illegal acts usually turn out not to be worth it.

The state and government tends to be a rather unthinking machine. It exists and works on laws and codes of laws. It is geared to strike down through its channels at illegality. As such it can be an implacable²⁴

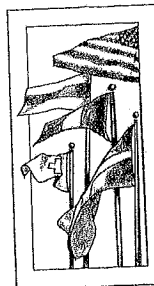
22. Pilloried: Exposed to ridicule, public contempt, scorn or abuse.

23. Propaganda: Spreading ideas, information or rumor to further one's own cause and/or injure that of another, often without regard to truth; the act of putting lies in the press or on radio and TV so that when a person comes to trial he will be found guilty; the action of falsely damaging a person's reputation so he will not be listened to. Propagandist: A person or group who does, makes or practices propaganda.

24. Implacable: Not open to being quieted, soothed or pleased; remorseless; relentless.



Support a Government Designed and Run for All the People.



Unscrupulous and evil men and groups can usurp the power of government and use it to their own ends.

Government organized and conducted solely for self-interested individuals and groups gives the society a short life span. This imperils the survival of everyone in the land; it even imperils those who attempt it. History is full of such governmental deaths.

Opposition to such governments usually just brings on more violence.

But one can raise his voice in caution when such abuses are abroad. And one need not actively support such a

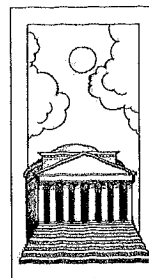
government; doing nothing illegal, it is yet possible, by simply withdrawing one's cooperation, to bring about an eventual reform. Even as this is being written there are several governments in the world that are failing only because their people express their silent disagreement by simply not cooperating. These governments are at risk: any untimely wind of mischance could blow them over.

On the other hand, where a government is obviously working hard for all its people, rather than for some special interest group or insane dictator, one should support it to the limit.

There is a subject called "government." In schools they mainly teach "civics" which is merely how the current organization is put together. The real subject, "government," goes under various headings: political economy, political philosophy, political power, etc. The whole subject of "government" and how to govern can be quite precise, almost a technical science. If one is interested in having a better government, one that does not cause

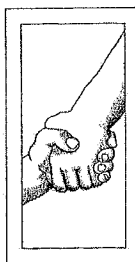
trouble, one should suggest it be taught at earlier ages in schools; one can also read up on it: it is not a very difficult subject if you look up the big words.

It is, after all, the people and their own opinion leaders who sweat and fight and bleed for their country—a government cannot bleed, it cannot even smile: it is just an idea men have. It is the individual person who is alive—*you*.



The way to happiness is hard to travel when shadowed with the oppression of tyranny. A benign government, designed and run for all the people, has been known to smooth the way: when such occurs, it deserves support.

Do Not Harm a Person of Good Will.²⁸



Despite the insistence of evil men that all men are evil, there are many good men around and women, too. You may have been fortunate enough to know some.

Factually, the society runs on men and women of good will.

Public workers, opinion leaders, those in the private sector who do their jobs are, in the great majority, people of good will. If they weren't, they long since would have ceased to serve.

Such people are easy to attack: their very decency prevents them from overprotecting themselves. Yet the survival of most of the individuals in a society depends upon them.

28. Good will: Bearing or attitude toward others; disposition; traditionally, "men of good will" means those who mean well toward their fellows and work to help them.

The violent criminal, the propagandist,²³ the sensation-seeking media all tend to distract one's attention from the solid, everyday fact that the society would not run at all were it not for the individuals of good will. As they guard the street, counsel the children, take the temperatures, put out the fires and speak good sense in quiet voices, one is apt to overlook the fact that people of good will are the ones that keep the world going and man alive upon this Earth.

Yet such can be attacked and strong measures should be advocated and taken to defend them and keep them from harm, for your own survival and that of your family and friends depends upon them.



The way to happiness is far more easily followed when one supports people of good will.

23. Propagandist: A person or group who does, makes or practices propaganda. Propaganda: Spreading ideas, information or rumor to further one's own cause and/or injure that of another, often without regard to truth; the act of putting lies in the press or on radio and TV so that when a person comes to trial he will be found guilty; the action of falsely damaging a person's reputation so he will not be listened to.

Safeguard²⁹ and Improve Your Environment.



12-1. Be of good appearance.

It sometimes does not occur to some individuals—as they do not have to spend their days looking at themselves—that they form part of the scenery and appearance of others. And some do not realize that they are

judged by others on the basis of their appearance.

While clothes can be expensive, soap and the other tools of self-care are not that hard to obtain. The techniques are sometimes difficult to dig up but can be evolved.

In some societies, when they are barbaric or become very degraded, it can

even be the fashion to be a public eyesore. Actually it is a symptom of a lack of self-respect.

Exercising and working, one can become very messed up. But this does not rule out getting cleaned up. And as an example, some European and English workmen manage a style of appearance even when working. Some of the better athletes, one notices, look good despite being wringing wet with sweat.

An environment disfigured with unkempt people can have a subtle, depressing effect on one's morale.³⁰

Encourage people around you to look good by complimenting them when they do or even gently helping them with their problems when they don't. It could improve their self-regard and their morale as well.

12-2. Take care of your own area. When people mess up their own possessions and area, it can slop over into your own.

²⁹ Safeguard: Prevent from being harmed; protect.

³⁰ Morale: The mental and emotional attitude of an individual or a group; sense of well-being; willingness to get on with it; a sense of common purpose.

When people seem to be incapable of caring for their own things and places, it is a symptom of their feeling that they don't really belong there and don't really own their own things. When young, the things they were "given" had too many cautions and strings attached or were taken away from them by brothers, sisters or parents. And they possibly did not feel welcome.

The possessions, the rooms and work spaces, the vehicles of such people advertise that they are not really the property of anyone. Worse, a sort of rage against possessions can sometimes be seen. Vandalism³¹ is a manifestation of it: the house or car "nobody owns" is soon ruined.

Those who build and try to maintain low-income housing are often dismayed by the rapidity with which ruin can set in. The poor, by definition, own little or nothing. Harassed in various ways, they also come to feel they do not belong.

But whether rich or poor, and for whatever reason, people who do not take care of their possessions and places can

cause disorder to those about them. I am sure you can think of such instances.

Ask such people what they really do own in life and if they really belong where they are and you will receive some surprising answers. And help them a great deal, too.

The skill of organizing possessions and places can be taught. It can come as a new idea to someone that an item, when picked up and used, should be put back in the same place so it can be found again: some spend half their time just looking for things. A little time spent getting organized can pay off in speeded work: it is not the waste of time some believe.

To protect your own possessions and places, get others to take care of theirs.

12-3. Help take care of the planet. The idea that one has a share in the planet and that one can and should help care for it may seem very large and to some, quite beyond reality. But today what happens on the other side of the world, even so far away, can affect what happens in your own home.

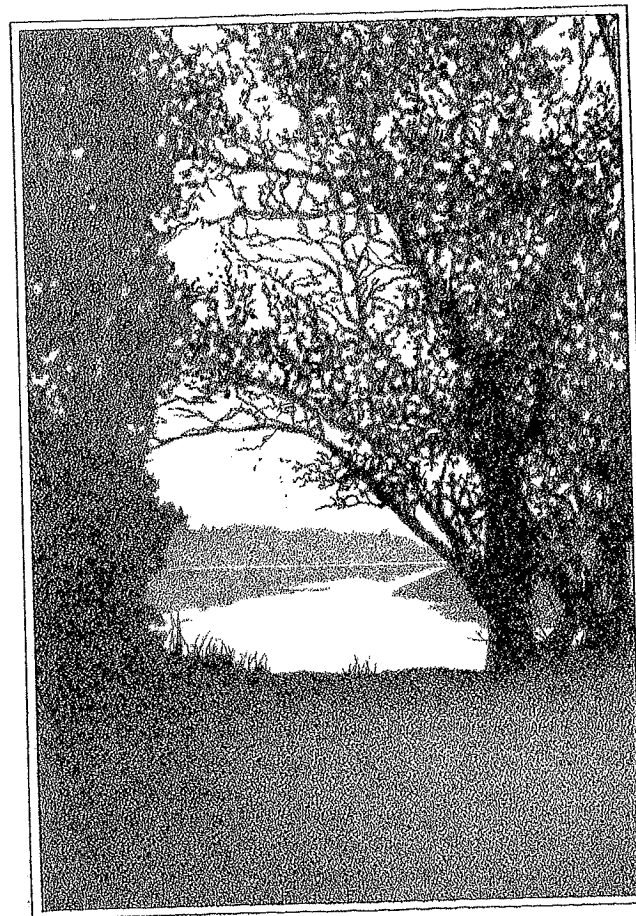
31. Vandalism: The willful and malicious destruction of public or private property, especially anything beautiful or artistic.

Recent discoveries by space probes to Venus have shown that our own world could be deteriorated to a point where it would no longer support life. And it possibly could happen in one's own lifetime.

Cut down too many forests, foul too many rivers and seas, mess up the atmosphere and we have had it. The surface temperature can go roasting hot, the rain can turn to sulfuric acid. All living things could die.

One can ask, "Even if that were true, what could I do about it?" Well, even if one were simply to frown when people do things to mess up the planet, one would be doing something about it. Even if one only had the opinion that it was just not a good thing to wreck the planet and mentioned that opinion, one would be doing something.

Care of the planet begins in one's own front yard. It extends through the area one travels to get to school or work. It covers such places as where one picnics or goes on vacation. The litter which messes up the terrain and water supply, the dead brush



which invites fire, these are things one need not contribute to and which, in otherwise idle moments, one can do something about. Planting a tree may seem little enough but it is something.

In some countries, old people, the unemployed, do not just sit around and go to pieces: they are used to care for the gardens and parks and forests, to pick up the litter and add some beauty to the world. There is no lack of resources to take care of the planet. They are mainly ignored. One notes that the Civilian Conservation Corps in the U.S., organized in the 1930s to absorb the energies of unemployed officers and youth, was one of the few, if not the only project of that depressed era that created far more wealth for the state than was expended. It reforested large areas and did other valuable things that cared for the U.S. part of the planet. One notes that the C.C.C. no longer exists. One can do as little as add one's opinion that such projects are worthwhile and support opinion leaders and organizations that carry on environmental work.

There is no lack of technology. But technology and its application cost money. Money is available when sensible economic policies, policies which do not penalize everyone, are followed. Such policies exist.

There are many things people can do to help take care of the planet. They begin with the idea that one should. They progress by suggesting to others that they should.

Man has reached the potential capacity to destroy the planet. He must be pushed on up to the capability and actions of saving it. It is, after all, what we're standing on.



If others do not help safeguard and improve the environment, the way to happiness could have no roadbed to travel on at all.

Do Not Steal.



When one does not respect the ownership of things, his own possessions and property are at risk.

A person, who for one reason or another has been unable to honestly accumulate possessions, can pretend that nobody owns anything anyway. But don't try to steal his shoes!

A thief sows the environment with mysteries: what happened to this, what happened to that? A thief causes trouble far in excess of the value of things stolen.

Faced with the advertising of desirable goods, torn by the incapability of doing anything valuable enough to acquire

possessions or simply driven by an impulse, those who steal imagine they are acquiring something valuable at low cost. But that is the difficulty: the cost. The actual price to the thief is high beyond belief. The greatest robbers in history paid for their loot by spending their lives in wretched hide-outs and prisons with only rare moments of "the good life." No amount of stolen valuables would reward such a horrible fate.

Stolen goods greatly reduce in value: they have to be hidden, they are always a threat to liberty itself. Even in communist states, the thief is sent to prison.

Stealing things is really just an admission that one is not capable enough to make it honestly. Or that one has a streak of insanity. Ask a thief which one it is: it's either one or the other.

**The road to happiness
cannot be traveled with
stolen goods.**

Be Worthy of Trust.



Unless one can have confidence in the reliability of those about one, he, himself, is at risk. When those he counts upon let him down, his own life can become disordered and even his own survival can be put at risk.

Mutual trust is the firmest building block in human relationships. Without it, the whole structure comes down.

Trustworthiness is a highly esteemed commodity. When one has it, one is considered valuable. When one has lost it, one may be considered worthless.

One should get others around one to demonstrate it and earn it. They will



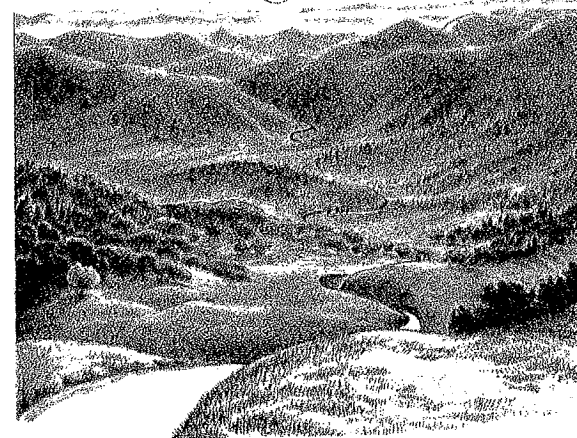
become much more valuable to themselves and others thereby.

14-1. Keep your word once given. When one gives an assurance or promise or makes a sworn intention, one must make it come true. If one says he is going to do something, he should do it. If he says he is not going to do something, he should not do it.

One's regard for another is based, in no small degree, on whether or not the person keeps his or her word. Even parents, for instance, would be surprised at the extent they drop in the opinion of their children when a promise is not kept.

People who keep their word are trusted and admired. People who do not are regarded like garbage. Those who break their word often never get another chance.

A person who does not keep his word can soon find himself entangled and trapped in all manner of "guarantees" and "restrictions" and can even find himself shut off from normal relations with others. There

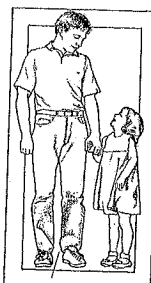


is no more thorough self-exile from one's fellows than to fail to keep one's promises once made.

One should never permit another to give his or her word lightly. And one should insist that when a promise is made, it must be kept. One's own life can become very disordered in trying to associate with people who do not keep their promises. It is not a casual matter.

The way to happiness is much, much easier to travel with people one can trust.

Fulfill Your Obligations.³²



In going through life, one inevitably incurs obligations. Factually, one is born with certain obligations and they tend to accumulate thereafter. It is no novel or new idea that one owes his parents a debt for bringing one into the world, for raising one. It is a credit to parents that they don't push it any harder than they do. But it is an obligation, nevertheless: even the child feels it. And as life continues to run its course, one accumulates other obligations—to other persons, to friends, to society and even the world.

It is an extreme disservice to a person not to permit him to satisfy or pay off his obligations. No small part of the "revolt of

childhood" is caused by others refusing to accept the only "coins" a baby or child or youth has with which to discharge the "weight of obligation": the baby's smiles, the child's fumbling efforts to help, the youth's possible advice or just the effort to be a good son or a good daughter commonly pass unrecognized, unaccepted; they can be ill-aimed, often ill-planned; they fade quickly. Such efforts, when they fail to discharge the enormity of the debt, can be replaced with any number of mechanisms or rationalizations: "One doesn't really owe anything," "I was owed it all in the first place," "I didn't ask to be born," "My parents or guardians are no good" and "Life isn't worth living anyway," to name a few. And yet the obligations continue to pile up.

The "weight of obligation" can be a crushing burden if one can see no way to discharge it. It can bring about all manner of individual or social disorders. When it cannot be discharged, those who are owed, often unwittingly, find themselves targets for the most unlooked-for reactions.

32. Obligation: The state, fact or condition of being indebted to another for a special service or favor received; a duty, contract, promise or any other social, moral or legal requirement that binds one to follow or avoid a certain course of action; the sense of owing another.



One can help a person who finds himself in the dilemma of unpaid obligations and debt by simply going over with him or her *all* the obligations they have incurred and have not fulfilled—moral, social and financial—and working out some way to discharge *all* of them the person feels are still owed.

One should accept the efforts of a child or an adult to pay off non-financial obligations they feel they may owe. One should help bring about some mutually agreeable solution to the discharge of financial ones.

Discourage a person from incurring more obligations than it is possible for him or her to actually discharge or repay.

The way to happiness is very hard to travel when one is burdened with the weight of obligations which one is owed or which he has not discharged.

Be Industrious.³³



Work is not always pleasant.

But few are unhappier than those who lead a purposeless, idle and bored existence: children gloom to their mother when they have nothing to do; the low-mindedness of the unemployed, even when they are on "relief"³⁴ or the "dole"³⁵ is legendary; the retired man, with nothing further to accomplish in life, perishes from inactivity, as shown by statistics.

Even the tourist, lured by a travel agency's call to leisure, gives a tour conductor a bad time if he has nothing for them to do.

33. Industrious: Applying oneself with energy to study or work; actively and purposefully getting things done; opposite of being idle and accomplishing nothing.

34. Relief: Goods or money given by a government agency to people because of need or poverty.

35. Dole: The British term for government relief.

Sorrow itself can be eased by simply getting busy at something.

Morale is boosted to high highs by accomplishment. In fact, it can be demonstrated that production³⁶ is the basis of morale.

People who are not industrious dump the workload on those around them. They tend to burden one.

It is hard to get along with idle people. Aside from depressing one, they can also be a bit dangerous.

A workable answer is to persuade such to decide on some activity and get them busy with it. The most lasting benefit will be found to arise from work that leads to actual production.

The way to happiness is a high road when it includes industriousness that leads to tangible production.

36. Production: The act of completing something; finishing a task, project or object that is useful or valuable or simply worth doing or having.

Be Competent.³⁷



In an age of intricate equipment and high-speed machines and vehicles, one's survival and that of one's family and friends depends in no small measure upon the general competence of others.

In the marketplace, in the sciences, the humanities and in government, incompetence³⁸ can threaten the lives and future of the few or the many.

I am sure you can think of many examples of this.

Man has always had an impulse to control his fate. Superstition, propitiation of the right gods, ritual dances before the

37. Competent: Able to do well those things one does; capable; skilled in doing what one does; measuring up to the demands of one's activities.

38. Incompetence: Lacking adequate knowledge or skill or ability; unskilled; incapable; subject to making big errors or mistakes; bungling.

hunt, can all be viewed as efforts, no matter how faint or unavailing, to control destiny.

It was not until he learned to think, to value knowledge and to apply it with competent skill that he began to dominate his environment. The true "gift of heaven" may have been the potential to be competent.

In common pursuits and activities, man respects skill and ability. These in a hero or athlete are almost worshiped.

The test of true competence is the end result.

To the degree that a man is competent, he survives. To the degree he is incompetent, he perishes.

Encourage the attainment of competence in any worthwhile pursuit. Compliment it and reward it whenever you find it.

Demand high performance standards. The test of a society is whether or

not you, your family and friends can live in it safely.

The ingredients of competence include observation, study and practice.

17-1. Look. See what you see, not what someone tells you that you see.

What you observe is what *you* observe. Look at things and life and others directly, not through any cloud of prejudice, curtain of fear or the interpretation of another.

Instead of arguing with others, get them to look. The most flagrant lies can be punctured, the greatest pretenses can be exposed, the most intricate puzzles can be resolved and the most remarkable revelations can occur, simply by gently insisting that someone *look*.

When another finds things almost too confusing and difficult to bear, when his or her wits are going around and around, get the person to just stand back and look.

What they find is usually very obvious when they see it. Then they can go on and handle things. But if they don't see it themselves, observe it for themselves, it may have little reality for them and all the directives and orders and punishment in the world will not resolve their muddle.

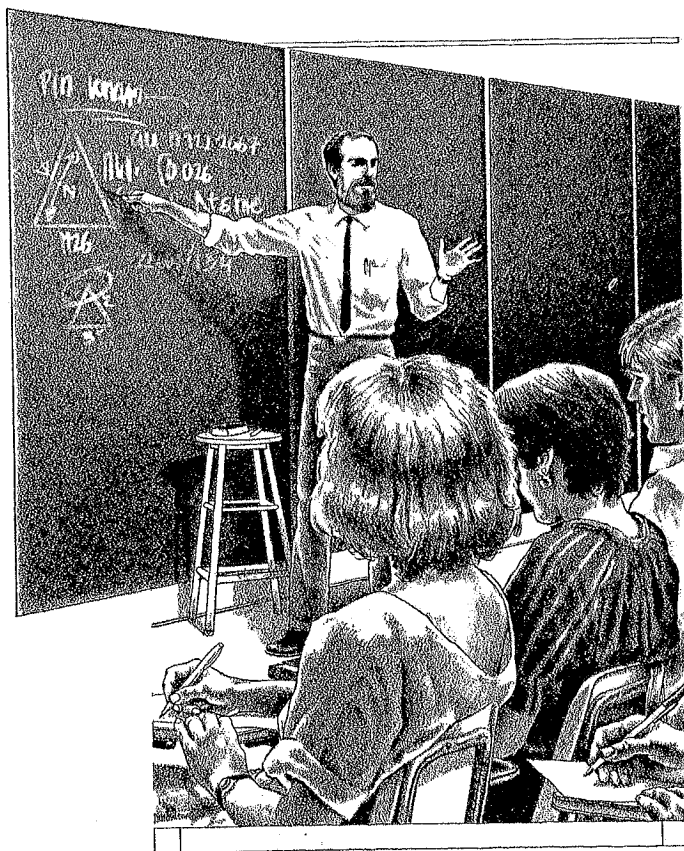
While one can indicate what direction to look and suggest that they do look, the conclusions are up to them.

A child or adult sees what he himself sees and that is reality for him.

True competence is based on one's own ability to observe. With that as reality, only then can one be deft and sure.

17-2. Learn. Has there ever been an instance when another had some false data about you? Did it cause you trouble?

This can give you some idea of the havoc false data can raise. You could also have some false data about another.



Separating the false from the true brings about understanding.

There is a lot of false data around. Evil-intentioned individuals manufacture it to serve their own purposes. Some of it comes from just plain ignorance of the facts. It can block the acceptance of true data.

The main process of learning consists of inspecting the available data, selecting the true from the false, the important from the unimportant and arriving thereby at conclusions one makes and can apply. If one does this, one is well on the way to being competent.

The test of any "truth" is whether it is true for *you*. If, when one has gotten the body of data, cleared up any words in it that one does not fully understand and looked over the scene, it still doesn't seem true, then it isn't true so far as you are concerned. Reject it. And if you like, carry it further and conclude what the truth is for *you*. After all, *you* are the one who is going to have to use it or not use it, think with it or not think with

it. If one blindly accepts "facts" or "truths" just because he is told he must, "facts" and "truths" which do not seem true to one, or even false, the end result can be an unhappy one. That is the alley to the trash bin of incompetence.

Another part of learning entails simply committing things to memory—like the spelling of words, mathematical tables and formulas, the sequence of which buttons to push. But even in simple memorizing one has to know what the material is for and how and when to use it.

The process of learning is not just piling data on top of more data. It is one of obtaining new understandings and better ways to do things.

Those who get along in life never really stop studying and learning. The competent engineer keeps up with new ways; the good athlete continually reviews the progress of his sport; any professional keeps a stack of his texts to hand and consults them.

The new model eggbeater or washing machine, the latest year's car all demand some study and learning before they can be competently operated. When people omit it, there are accidents in the kitchen and piles of bleeding wreckage on the highways.

It is a very arrogant fellow who thinks he has nothing further to learn in life. It is a dangerously blind individual who cannot shed his prejudices and false data and supplant them with facts and truths that can more fittingly assist his own life and everyone else's.

There are ways to study so that one really learns and can use what one learns. In brief, it consists of having a teacher and/or texts which know what they are talking about, of clearing up every word one does not fully understand, of consulting other references and/or the scene of the subject, of sorting out the false data one might already have and of sifting the false from the true on the basis of what is now true for you. The end result will be certainty and potential competence. It can be, actually, a bright and rewarding experience. Not unlike climbing a

treacherous mountain through brambles but coming out on top with a new view of the whole, wide world.

A civilization, to survive, must nurture the habits and abilities to study in its schools. A school is not a place where one puts children to get them out from underfoot during the day. That would be far too expensive for just that. It is not a place where one manufactures parrots. School is where one should learn to study and where children can be prepared to come to grips with reality; to learn to handle it with competence and to be readied to take over tomorrow's world, the world where current adults will be in their later years, middle or old age.

The hardened criminal never learned to learn. Repeatedly the courts seek to teach him that if he commits the crime again he will go back to prison: most of them do commit the same crime again and do go back to prison. Factually, criminals cause more and more laws to be passed. The decent citizen is the one that obeys laws; the criminals, by definition, do not. Criminals cannot learn. Not all the orders and directives

and punishments and duress will work upon a being that does not know how to learn and cannot learn.

A characteristic of a government that has gone criminal—as has sometimes happened in history—is that its leaders cannot learn: all records and good sense may tell them that disaster follows oppression; yet it has taken violent revolutions to handle them or a World War II to get rid of a Hitler and those were very unhappy events for mankind. Such did not learn. They revelled in false data. They refused all evidence and truth. They had to be blown away.

The insane cannot learn. Driven by hidden evil intentions or crushed beyond the ability to reason, facts and truth and reality are far beyond them. They personify false data. They will not or cannot really perceive or learn.

A multitude of personal and social problems arise from the inability or refusal to learn.

The lives of some around you have gone off the rails because they do not

know how to study, because they do not learn. You can probably think of some examples.

If one cannot get those around him to study and learn, one's own work can become much harder and even overloaded and one's own survival potential can be greatly reduced.

One can help others study and learn if only by putting in their reach the data they should have. One can help simply by acknowledging what they have learned. One can assist if only by appreciating any demonstrated increase in competence. If one likes, one can do more than that: others can be assisted by helping them, without disputes, to sort out false data; by helping them find and clear up words they have not understood; by helping them find and handle the reasons they do not study and learn.

As life is largely trial and error, instead of coming down on somebody who makes a mistake, find out how come a mistake was made and see if the other can't learn something from it.

Now and then you may surprise yourself by untangling a person's life just by having gotten the person to study and learn. I am sure you can think of many ways. And I think you will find the gentler ones work best. The world is brutal enough already to people who can't learn.

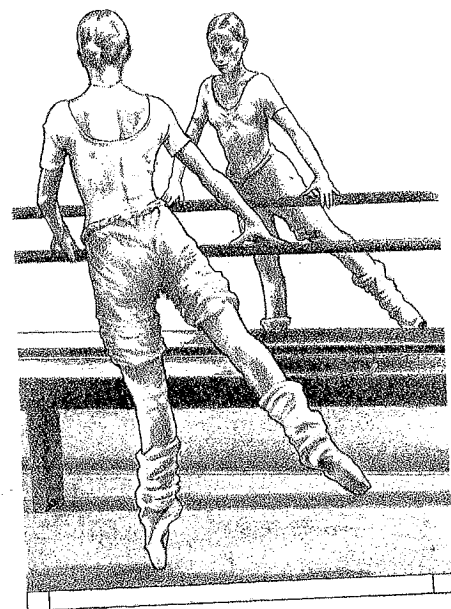
17-3. Practice.³⁹ Learning bears fruit when it is applied. Wisdom, of course, can be pursued for its own sake: there is even a kind of beauty in it. But, truth told, one never really knows if he is wise or not until he sees the results of trying to apply it.

Any activity, skill or profession—ditch digging, law, engineering, cooking or whatever—no matter how well studied, collides at last with the acid test: can one *DO* it? And that doing requires *practice*.

Movie stunt men who don't practice first get hurt. So do housewives.

Safety is not really a popular subject. Because it is usually accompanied by "Be careful" and "Go slow," people can feel restraints are being put on them. But there is

³⁹ Practice: To exercise or perform repeatedly in order to acquire or polish a skill.



another approach: if one is really practiced, his skill and dexterity is such that he doesn't have to "be careful" or "go slow." Safe high speed of motion becomes possible only with practice.

One's skill and dexterity must be brought up to match the speed of the age one lives in. And that is done with practice.

One can train one's body, one's eyes, one's hands and feet until, with

practice, they sort of "get to know." One no longer has to "think" to set up the stove or park the car: one just *DOES* it. In any activity, quite a bit of what passes for "talent" is really just *practice*.

Without working out each movement one makes to do something and then doing it over and over until one can get it done without even thinking about it and get it done with speed and accuracy, one can set the stage for accidents.

Statistics tend to bear out that the least practiced have the most accidents.

The same principle applies to crafts and professions which mainly use the mind. The lawyer who has not drilled, drilled, drilled on courtroom procedure may not have learned to shift his mental gears fast enough to counter new turns of a case and loses it. An undrilled new stockbroker could lose a fortune in minutes. A green salesman who has not rehearsed selling can starve for lack of sales. The right answer is to practice, practice and practice!

Sometimes one finds that what one has learned he cannot apply. If so, the faults lay with improper study or with the teacher or text. It is one thing to read the directions, it is sometimes another thing entirely to try to apply them.

Now and then, when one is getting nowhere with practice, one has to throw the book away and start from scratch. The field of movie sound recording has been like that: if one followed what recordist texts there have been, one wouldn't get a bird song to sound any better than a foghorn—that is why you can't tell what the actors are saying in some movies. The good sound recordist had to work it all out for himself in order to do his job. But in the same field of the cinema there is a complete reverse of this: several texts on cine lighting are excellent; if followed exactly, one gets a beautiful scene.

It is regrettable, particularly in a high-speed technical society, that not all activities are adequately covered with understandable texts. But that should not stop one. When good texts exist, value them

and study them well. Where they don't, assemble what data is available, study that and work the rest of it out.

But theory and data blossom only when applied and applied with practice.

One is at risk when those about one do not practice their skills until they can really DO them. There is a vast difference between "good enough" and professional skill and dexterity. The gap is bridged with practice.

Get people to look, study, work it out and then do it. And when they have it right, get them to practice, practice, practice until they can do it like a pro.

There is considerable joy in skill, dexterity and moving fast: it can only be done safely with practice. Trying to live in a high-speed world with low-speed people is not very safe.

The way to happiness is best traveled with competent companions.



Respect the Religious Beliefs of Others.



Tolerance is a good cornerstone on which to build human relationships. When one views the slaughter and suffering caused by religious intolerance throughout all the history of man and into modern times, one can see that intolerance is a very nonsurvival activity.

Religious tolerance does not mean one cannot express his own beliefs. It does mean that seeking to undermine or attack the religious faith and beliefs of another has always been a short road to trouble.

Philosophers since the time of ancient Greece have disputed with one another about the nature of God, man and

the universe. The opinions of authorities ebb and flow. Just now the philosophies of "mechanism"⁴⁰ and "materialism"⁴¹—dating as far back as Egypt and Greece—are the fad: they seek to assert that all is matter and overlook that, neat as their explanations of evolution may be, they still do not rule out *additional* factors that might be at work, that might be merely using such things as evolution. They are, today, the "official" philosophies and are even taught in schools. They have their own zealots who attack the beliefs and religions of others: the result can be intolerance and contention.

If all the brightest minds since the fifth century B.C. or before have never been able to agree on the subject of religion or antireligion, it is an arena of combat between people that one would do well to stay out of.

In this sea of contention, one bright principle has emerged: the right to believe as one chooses.

"Faith" and "belief" do not necessarily surrender to logic: they cannot

40. Mechanism: The view that all life is only matter in motion and can be totally explained by physical laws. Advanced by Leucippus and Democritus (460 B.C. to 370 B.C.) who may have gotten it from Egyptian mythology. Upholders of this philosophy felt they had to neglect religion because they could not reduce it to mathematics. They were attacked by religious interests and in their turn attacked religion. Robert Boyle (1627-91), who developed Boyle's Law in physics, refuted it by raising the question as to whether or not nature might have designs such as matter in motion.

even be declared to be illogical. They can be things quite apart.

Any advice one might give another on this subject is safest when it simply asserts the right to believe as one chooses. One is at liberty to hold up his own beliefs for acceptance. One is at risk when he seeks to assault the beliefs of others, much more so when he attacks and seeks to harm others because of their religious convictions.

Man, since the dawn of the species, has taken great consolation and joy in his religions. Even the "mechanist" and "materialist" of today sound much like the priests of old as they spread their dogma.

Men without faith are a pretty sorry lot. They can even be given something to have faith in. But when they have religious beliefs, respect them.



The way to happiness can become contentious when one fails to respect the religious beliefs of others.

41. Materialism: Any one of a family of metaphysical theories which view the universe as consisting of hard objects such as stones, very big or very small. The theories seek to explain away such things as minds by saying they can be reduced to physical things or their motions. Materialism is a very ancient idea. There are other ideas.

Try Not to Do Things to Others That You Would Not Like Them to Do to You.



Among many peoples in many lands for many ages there have been versions of what is commonly called "The Golden Rule."⁴² The above is a wording of it that relates to harmful acts.

Only a saint could go through life without ever harming another. But only a criminal hurts those around him without a second thought.

Completely aside from feelings of "guilt" or "shame" or "conscience," all of which can be real enough and bad enough, it also happens to be true that the harm one does to others can recoil on oneself.

42. "The Golden Rule": Although this is looked upon by Christians as Christian and is found in the New and Old Testaments, many other races and peoples spoke of it. It also appears in the *Analects* of Confucius (fifth and sixth centuries B.C.) who, himself, quoted from more ancient works. It is also found in "primitive" tribes. In one form or another it appears in the ancient works of Plato, Aristotle, Isocrates and Seneca. For thousands of years it has been held by man as a standard of ethical conduct. The versions given in this book are newly worded, however, as in earlier wordings it was thought to be too idealistic to be kept. It is possible to keep this version.

Not all harmful acts are reversible: one can commit an act against another which cannot be waived aside or forgotten. Murder is such an act. One can work out how severe violation of almost any precept in this book could become an irreversible harmful act against another.

The ruin of another's life can wreck one's own. Society reacts—the prisons and the insane asylums are stuffed with people who harmed their fellows. But there are other penalties: whether one is caught or not, committing harmful acts against others, particularly when hidden, can cause one to suffer severe changes in his attitudes toward others and himself, all of them unhappy ones. The happiness and joy of life depart.

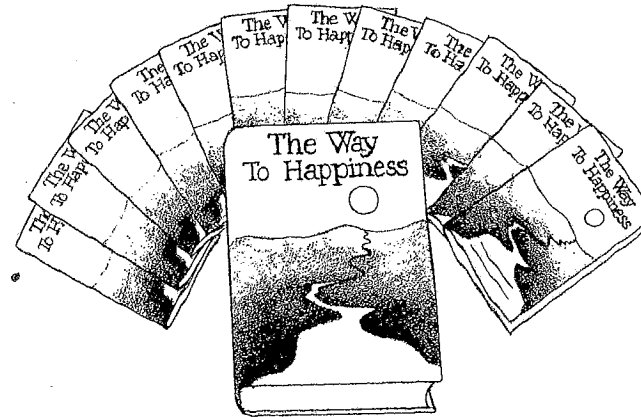
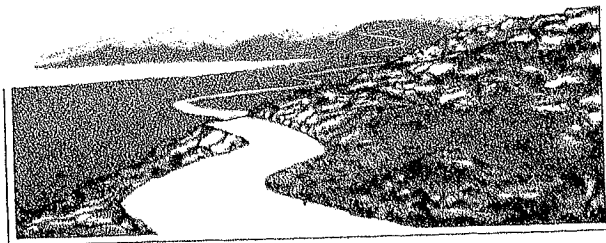
This version of "The Golden Rule" is also useful as a test. When one persuades someone to apply it, the person can attain a reality on what a harmful act *is*. It answers for one what *harm* is. The philosophic question concerning *wrongdoing*, the argument of what is wrong is answered at once on a personal basis: would you not like that to happen to you?

No? Then it must be a harmful action and from society's viewpoint, a wrong action. It can awaken social consciousness. It can then let one work out what one should do and what one should not do.

In a time when some feel no restraint from doing harmful acts, the survival potential of the individual sinks to a very low ebb.

If you can persuade people to apply this, you will have given them a precept by which they can evaluate their own lives and for some, opened the door to let them rejoin the human race.

The way to happiness is closed to those who do not restrain themselves from committing harmful acts.



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Try to Treat Others As You Would Want Them to Treat You.



This is a positive version of "The Golden Rule."

Don't be surprised if someone seems to resent being told to "be good." But the resentment may not come at all at the idea of "being good." It may be because the person factually has a misunderstanding of what it means.

One can get into a lot of conflicting opinions and confusions about what "good behavior" might be. One might never have grasped—even if the teacher did—why he or she was given the grade received for "conduct." One might even have been given or assumed false data concerning

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it: "Children should be seen and not heard,"
"Being good means being inactive."

However, there is a way to clear it
all up to one's complete satisfaction.

In all times and in most places,
mankind has looked up to and revered
certain values. They are called the *virtues*.⁴³
They have been attributed to wise men, holy
men, saints and gods. They have made the
difference between a barbarian and a
cultured person, the difference between
chaos and a decent society.

It doesn't absolutely require a
heavenly mandate nor a tedious search
through the thick tomes of the philosophers
to discover what "good" is. A self-revelation
can occur on the subject.

It can be worked out by almost
any person.

If one were to think over how he
or she would like to be treated by others, one
would evolve the human virtues. Just figure
out how you would want people to treat *you*.

⁴³. Virtues: The ideal qualities in good human conduct.

You would possibly, first of all,
want to be treated *justly*: you wouldn't want
people lying about you or falsely or harshly
condemning you. Right?

You would probably want your
friends and companions to be *loyal*: you
would not want them to betray you.

You could want to be treated with
good sportsmanship, not hoodwinked nor
tricked.

You would want people to be *fair*
in their dealings with you.

You would want them to be
honest with you and not cheat you. Correct?

You might want to be treated
kindly and without cruelty.

You would possibly want people
to be *considerate* of your rights and feelings.

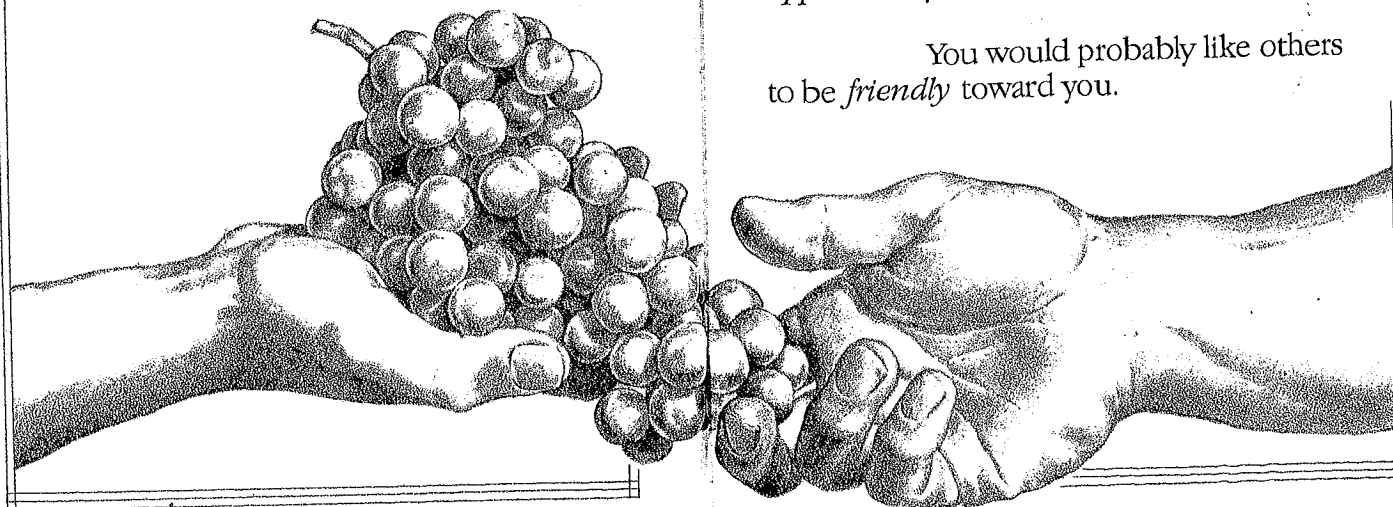
When you were down, you might
like others to be *compassionate*.

Instead of blasting you, you would probably want others to exhibit *self-control*. Right?

If you had any defects or shortcomings, if you made a mistake, you might want people to be *tolerant*, not critical.

Rather than concentrating on censure and punishment, you would prefer people were *forgiving*. Correct?

You might want people to be *benevolent* toward you, not mean nor stingy.



Your possible desire would be for others to *believe in you*, not doubt you at every hand.

You would probably prefer to be given *respect*, not insulted.

Possibly you would want others to be *polite* to you and also treat you with *dignity*. Right?

You might like people to *admire* you.

When you did something for them you would possibly like people to *appreciate* you. Correct?

You would probably like others to be *friendly* toward you.

From some you might want *love*.

And above all, you wouldn't want these people just pretending these things, you would want them to be quite real in their attitudes and to be acting with *integrity*.

You could probably think of others. And there are the precepts contained in this book. And you would have worked out the summary of what are called the *virtues*.

It requires no great stretch of imagination for one to recognize that if he were to be treated that way regularly by others around him, his life would exist on a pleasant level. And it is doubtful if one would build up much animosity toward those who treated him in this fashion.

There is an interesting phenomenon⁴⁴ at work in human relations. When one person yells at another, the other has an impulse to yell back. One is treated pretty much the way he treats others: one actually sets an example of how he should be treated. A is mean to B so B is mean to A. A is

44. Phenomenon: An observable fact or event.

friendly to B so B is friendly to A. I am sure you have seen this at work continually. George hates all women so women tend to hate George. Carlos acts tough to everyone so others tend to act tough toward Carlos—and if they don't dare out in the open, they privately may nurse a hidden impulse to act very tough indeed toward Carlos if they were ever to get a chance.

In the unreal world of fiction and the motion pictures, one sees polite villains with unbelievably efficient gangs and lone heroes who are outright boors.⁴⁵ Life really isn't like that: real villains are usually pretty crude people and their henchman cruder; Napoleon and Hitler were betrayed right and left by their own people. Real heroes are the quietest-talking fellows you ever met and they are very polite to their friends.

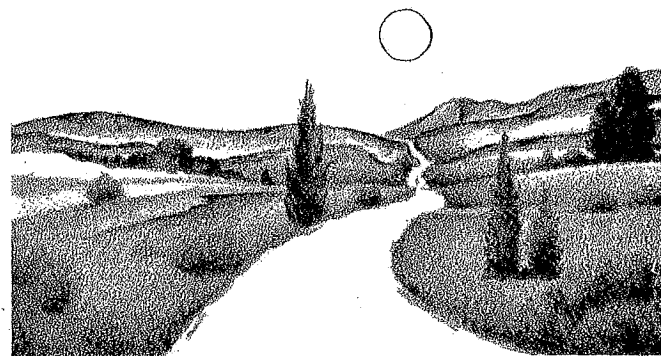
When one is lucky enough to get to meet and talk to the men and women who are at the top of their professions, one is struck by an observation often made that they are just about the nicest people you ever met. That is one of the reasons they are at the top: they try, most of them, to treat others well.

45. Boor: A person with rude, clumsy manners and little refinement.

And those around them respond and tend to treat them well and even forgive their few shortcomings.

All right, one can work out for himself the human virtues just by recognizing how he himself would like to be treated. And from that, I think you will agree, one has settled any confusions as to what "good conduct" really is. It's a far cry from being inactive, sitting still with your hands in your lap and saying nothing. "Being good" can be a very active and powerful activity.

There is little joy to be found in gloomy, restrained solemnity. When some of old made it seem that to practice virtue required a grim and dismal sort of life, they tended to infer that all pleasure came from being wicked: nothing could be further from the facts. Joy and pleasure do *not* come from immorality! Quite the reverse! Joy and pleasure arise only in honest hearts: the immoral lead unbelievably tragic lives filled with suffering and pain. The human virtues have little to do with gloominess. They are the bright face of life itself.



Now what do you suppose would happen if one were to try to treat those around him with *justness, loyalty, good sportsmanship, fairness, honesty, kindness, consideration, compassion, self-control, tolerance, forgivingness, benevolence, belief, respect, politeness, dignity, admiration, friendliness, love*, and did it with *integrity*?

It might take a while but don't you suppose that many others would then begin to try to treat one the same way?

Even allowing for the occasional lapses—the news that startles one half out of

his wits, the burglar one has to bop on the head, the nut who is driving slow in the fast lane when one is late for work—it should be fairly visible that one would lift oneself to a new plane of human relations. One's survival potential would be considerably raised. And certainly one's life would be a happier one.

One *can* influence the conduct of others around him. If one is not doing that already, it can be made much easier to do so by just picking one virtue a day and specializing in it for that day. Doing that, they would all eventually be in.

Aside from personal benefit, one can take a hand, no matter how small, in beginning a new era for human relations.

The pebble, dropped in a pool, can make ripples to the furthest shore.



The way to happiness is made much brighter by applying the precept: "Try to treat others as you would want them to treat you."

Flourish⁴⁶ and Prosper.⁴⁷



Sometimes others seek to crush one down, to make nothing out of one's hopes and dreams, one's future and one, himself.

By ridicule and many other means, another who is evil-intentioned toward one can try to bring about one's decline.

For whatever reason, efforts to improve oneself, to become happier in life, can become the subject of attacks.

It is sometimes necessary to handle such directly. But there is a long-range handling that seldom fails.

46. Flourish: To be in a state of activity and production; expanding in influence; thriving; visibly doing well.

47. Prosper: To achieve economic success; succeeding at what one does.

What, exactly, are such people trying to do to one? They are trying to reduce one downward. They must conceive that one is dangerous to them in some way: that if one got up in the world, one could be a menace to them. So, in various ways, such seek to depress one's talents and capabilities.

Some madmen even have a general plan that goes like this: "If A becomes more successful, A could be a menace to me; therefore I must do all I can to make A less successful." It never seems to occur to such that their actions might make an enemy out of A even though he was no enemy before. It can be classed as an almost certain way for such madmen to get into trouble. Some do it just from prejudice or because they "don't like someone."

But however it is attempted, the real object of such is to make their target grow less and fail in life.

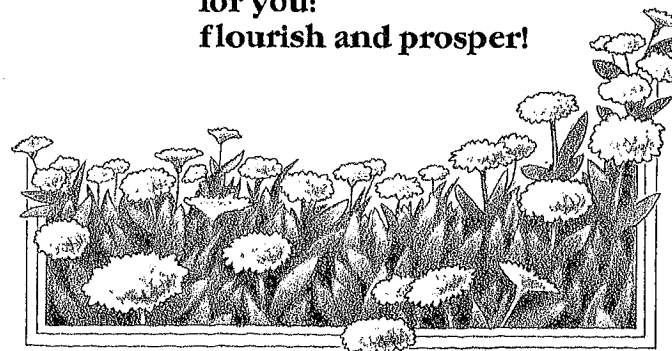
The real handling of such a situation and such people, the real way to defeat them, is to flourish and prosper.

Oh, yes, it is true that such people, seeing one improve his lot, can become frantic and attack all the harder. The thing to do is handle them if one must but don't give up flourishing and prospering for that is what such people want you to do.

If you flourish and prosper more and more, such people go into apathy about it; they can give it up completely.

If one's aims in life are worthwhile, if one carries them out with some attention to the precepts in this book, if one flourishes and prospers, one certainly will wind up the victor. And, hopefully, without harming a single hair on their heads.

**And that is my wish
for you:
flourish and prosper!**



Epilogue



Happiness lies in engaging in worthwhile activities. But there is only one person who for certain can tell what will make one happy—oneself.

The precepts given in this book are really the edges of the road: violating them, one is like the motorist who plunges onto the verge—the result can be wreckage of the moment, the relationship, a life.

Only you can say where the road goes for one sets his goals for the hour, for the relationship, for the phase of life.

One can feel at times like a spinning leaf blown along a dirty street, one

can feel like a grain of sand stuck in one place. But nobody has said that life was a calm and orderly thing; it isn't. One isn't a tattered leaf nor a grain of sand: one can, to a greater or lesser degree, draw his road map and follow it.

One can feel that things are such now that it is much too late to do anything, that one's past road is so messed up that there is no chance of drawing a future road that will be any different: there is always a point on the road when one can map a new one. And try to follow it. There is no person alive who cannot make a new beginning.

It can be said without the slightest fear of contradiction that others may mock one and seek by various means to push one onto the verge, to tempt one in various ways to lead an immoral life: all such persons do so to accomplish private ends of their own and one will wind up, if one heeds them, in tragedy and sorrow.

Of course one will have occasional losses trying to apply this book and get it applied. One should just learn from

these and carry on. Who said the road
doesn't have bumps? It can still be traveled.
So people can fall down: it doesn't mean they
can't get up again and keep going.

If one keeps the edges on the
road, one can't go far wrong. True
excitement, happiness and joy come from
other things, not from broken lives.

If you can get others to follow the
road, you yourself will be free enough to give
yourself a chance to discover what real
happiness is.

**The way to happiness is a
high-speed road to those
who know where the edges
are.**

You're the driver.

Fare well.

